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SESSIONAL PAPERS.

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OF THE

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SESSION 1895.

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Accounts, Public	2	*Printed.*
Agricultural and Arts, Report	20	"
Agricultural College, Report	17	"
Agricultural Societies, Analysis	70	*Not printed.*
Algonquin National Park, Regulations	37	*Printed.*
" " " Boundaries	38	*Not printed.*
Asylums, Report	10	*Printed.*
Bee-Keepers' Association, Report	23	*Printed.*
Births, Marriages and Deaths, Report	27	"
Blind Institute, Report	15	"
Bonds and Securities	50	*Not printed.*
Canadian Institute, Report (*part of*)	4	*Printed.*
Central Prison, Broom contract	62	"
Children's Protection Act, Report	29	"
Coroners' Inquests	69	*Not printed.*
Crown Lands Report	5	*Printed.*
Dairymen and Creameries, Report	21	*Printed.*
Deaf and Dumb Institute, Report	16	"
Diamond Drill, Regulations	42	"
Diamond Drill, cost of	65	*Not printed.*
Division Courts, Report	7	*Printed.*
Drainage Works, reductions	56	"
Education, Report	4	*Printed.*
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Elections, Return from Records	1	*Printed.*
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Entomological Society, Report	18	*Printed.*
Estimates	3	"

Title.	No.	Remarks.
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Fees Commission, Report	32	"
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Game and Fish, Report	52	*Printed.*
Gaols, Prisons and Reformatories, Report	11	"
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Kingston School of Mining, Report	76	*Printed.*
Knight, Alfred, correspondence	61	*Not printed.*
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Nelson & Sons, Broom contract	62	*Printed.*
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North Hastings, registrations in	63	"

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Osgoode Hall, fee paid officials	77	*Not printed.*
Poultry and Pet Stock, Report	24	*Printed.*
Primitive Man, (*part of*)	4	"
Public Accounts	2	"
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Queen Victoria Niagara Falls Park, Report	47	*Printed.*
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Secretary and Registrar, Report	75	*Printed.*
Sheep and Swine Breeders,' Report	25	"
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Titles, Master of, Report	55	*Not printed.*
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No. 1.. Return from the Records of the General Election to the Legislative Assembly in 1894, shewing: (1) The number of Votes polled for each Candidate in each Electoral District in which there was a contest. (2) The majority whereby each successful Candidate was returned. (3) The total number of Votes polled in each District. (4) The number of Votes remaining unpolled. (5) The number of names on the Voters' List in each District. (6) The population of each District as shown by the last census, together with a Supplementary Return from the Records of the Elections to the Legislative Assembly, after the General Election in 1894, shewing: (1) The number of Votes polled for each Candidate in each Electoral District. (2) The majority whereby each successful Candidate was returned. (3) The total number of Votes polled in each District. (4) The number of Votes remaining unpolled. (5) The number of names on the Voters' List in each District. (6) The population of each District as shewn by the last Dominion Census. Presented to the Legislature, 21st February and 5th April, 1895. *Printed.*

No. 2.. Public Accounts of the Province for the year 1894. Presented to the Legislature, 27th February, 1895. *Printed.*

No. 3.. Estimates for the service of the Province until the Estimates of the year are finally passed. Presented to the Legislature, 22nd February, 1895. *Not printed.* Estimates for the year 1895. Presented to the Legislature, 27th February, 1895. *Printed.* Estimates (Supplementary) for the year 1895. Presented to the Legislature, April 10th, 1895. *Printed.*

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No. 4.. Report of the Minister of Education for the year 1894, with the statistics for 1893. Presented to the Legislature, 4th March, 1895. *Printed.*

No. 5.. Report of the Commissioner of Crown Lands for the year 1894. Presented to the Legislature, 26th March, 1895. *Printed.*

No. 6.. Report of the Department of Immigration for the year 1894. Presented to the Legislature, 3rd April, 1895. *Printed.*

No. 7.. Report of the Inspector of Division Courts for the year 1894. Presented to the Legislature, 25th March, 1895. *Printed.*

No. 8.. Report of the working of the Tavern and Shop Licenses Act for the year 1894. Presented to the Legislature, 26th February, 1895. *Printed.*

No. 9.. Report of the Commissioner of Public Works for the year 1894. Presented to the Legislature, 7th March, 1895. *Printed.*

No. 10.. Report upon the Lunatic and Idiot Asylums of the Province for the year ending 30th September, 1894. Presented to the Legislature, 22nd February, 1895. *Printed.*

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No. 11.. Report upon the Common Gaols, Prisons and Reformatories of the Province for the year ending 30th September, 1894. Presented to the Legislature, 27th March, 1895. *Printed.*

No. 12.. Report upon the Houses of Refuge and Orphan and Magdalen Asylums for the year ending 30th September, 1894. Presented to the Legislature, 21st March, 1895. *Printed.*

No. 13.. Report of the Inspector of Insurance and Registrar of Friendly Societies, 1894. Presented to the Legislature, 25th February, 1895. *Printed.*

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No. 14.. Report upon the Hospitals of the Province for the year ending 30th September, 1894. Presented to the Legislature, 26th March, 1895. *Printed.*

No. 15.. Report upon the Ontario Institution for the Education of the Blind, Brantford, for the year ending 30th September, 1894. Presented to the Legislature, 22nd February, 1895. *Printed.*

No. 16.. Report upon the Ontario Institution for the Education of the Deaf and Dumb, Belleville, for the year ending 30th September, 1894. Presented to the Legislature, 22nd February, 1895. *Printed.*

No. 17.. Report of the Ontario Agricultural College and Experimental Farm and of the Agricultural and Experimental Union for the year 1894. Presented to the Legislature, 19th March, 1895. *Printed.*

No. 18.. Report of the Entomological Society for the year 1894. Presented to the Legislature, 25th February, 1895. *Printed.*

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No. 20.. Report of the Agriculture and Arts Association for the year 1894. Presented to the Legislature, 25th February, 1895. *Printed.*

No. 21.. Reports of the Dairymen and Creameries Associations of the Province for the year 1894. Presented to the Legislature, 5th April, 1895. *Printed.*

No. 22.. Report of the Farmers' Institutes of the Province for the year 1894. Presented to the Legislature, 5th April, 1895. *Printed.*

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No. 23.. Report of the Bee-keepers' Association of the Province for the year 1894. Presented to the Legislature, 5th April, 1895. *Printed.*

No. 24.. Report of the Poultry and Pet Stock Associations of the Province for the year 1894. Presented to the Legislature, 5th April, 1895. *Printed.*

No. 25.. Report of the Sheep and Swine Breeders' Association of the Province for the year 1894. Presented to the Legislature, 22nd March, 1895. *Printed.*

No. 26.. Report of the Inspectors of Factories for the year 1894. Presented to the Legislature, 22nd March, 1895. *Printed.*

No. 27.. Report upon the registration of Births, Marriages and Deaths for the year 1893. Presented to the Legislature, 10th April, 1895. *Printed.*

No. 28.. Report of the Inspector of Legal Offices for the year 1894. Presented to the Legislature, 21st March, 1895. *Printed.*

No. 29.. Report of the work under the Children's Protection Act for the year 1894. Presented to the Legislature, 26th February, 1895. *Printed.*

No. 30.. Auditors' Report to the Board of Trustees on Capital and Income Accounts, University of Toronto, for the year ending 30th June, 1894. Presented to the Legislature, 1st March, 1895. *Printed.*

No. 31.. Report of the Standing Committee on Finance, University of Toronto. Presented to the Legislature, 1st March, 1895. *Printed.*

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No. 32.. Report of the Commissioners appointed to enquire concerning the mode of appointing and remunerating certain provincial officials now paid by Fees and the extent of the remuneration they should receive. Presented to the Legislature, 19th March, 1895. *Printed.*

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No. 33.. Report of the Standing Committee on Finance, Faculty of Medicine, University of Toronto. Presented to the Legislature, 1st March, 1895. *Printed.*

No. 34.. Report of the Council of University College, 1893-94. Presented to the Legislature, 25th February, 1895. *Printed.*

No. 35.. Copy of an Order in Council respecting the payment of surplus Surrogate Court Fees to Judge Elliott, Junior Judge of the County Court of the County of Middlesex. Presented to the Legislature, 25th February, 1895. *Not printed.*

No. 36.. Copy of an Order in Council respecting the payment of surplus Surrogate Court Fees to Judge Mosgrove, Junior Judge of the County Court of the County of Carleton. Presented to the Legislature, 25th February, 1895. *Not printed.*

No. 37.. Regulations respecting the Algonquin National Park. Presented to the Legislature, 28th February, 1895. *Printed.*

No. 38.. Copy of Order in Council extending the boundaries of Algonquin National Park. Presented to the Legislature, 28th February, 1895. *Not printed.*

No. 39.. Mining Regulations made during the year 1894. Presented to the Legislature, 28th February, 1895. *Printed.*

No. 40.. Regulations respecting Rondeau Provincial Park. Presented to the Legislature, 28th February, 1895 *Printed.*

No. 41.. Bursar's Statement, shewing disbursements and estimated revenue of University of Toronto, for the year 1894-5. Presented to the Legislature, 28th February, 1895. *Not printed.*

No. 42.. Rules and Regulations for the control and working of Diamond Drills. Presented to the Legislature, 1st March, 1895. *Printed.*

No. 43.. Return to an Order of the House of the seventh day of March, 1894, for a Return shewing (1) the actual loss, over and above insurance, sustained by the Province by the burning of the Toronto University building; (2) names of each insurance company, amount paid by each, amount insured in each at the time of the fire, dates of payment; (3) the present amount of insurance held by the Government on the new Parliament Buildings, University and Upper Canada College, giving names of each company and the amount each carries, and the rate *per* $100.00; (4) what loss was sustained over and above insurance on the burning of the Central Prison. Presented to the Legislature, 1st March, 1895. Mr. *Ryerson. Not printed.*

No. 44 . Copy of Agreement between Her Majesty the Queen, E. V. Douglas and Francis H. Clergue, for the erection and equipment of pulp and paper mills at Sault Ste. Marie. Presented to the Legislature, 4th March, 1895. *Not printed.*

No. 45.. Report of the Council of the University of Toronto, 1893-4. Presented to the Legislature, 7th March, 1895. *Printed.*

No. 46.. Statement of the affairs of the Toronto General Trusts Company for the year 1894. Presented to the Legislature, 7th March, 1895. *Not printed.*

No. 47.. Report of the Commissioners of the Queen Victoria Niagara Falls Park for the year 1894. Presented to the Legislature, 7th March, 1895. *Printed.*

No. 48.. Statement as to the disposal of the Revised and Sessional Statutes for the year 1894. Presented to the Legislature, 7th March, 1895. *Not printed.*

No. 49.. Report of the Inspector of the House of Industry and Refuge, County of Elgin, for the year 1894. Presented to the Legislature, 11th March, 1895. *Not printed.*

No. 50.. Detailed Statement of all Bonds and Securities recorded in the Provincial Registrar's Office since the last Return submitted to the Legislative Assemb'y, made in accordance with the provisions of R. S. O. chap. 15, sec. 23. Presented to the Legislature, 11th March, 1895. *Not printed.*

No. 51.. Return to an Order of the House of the eleventh day of March, 1895, for a Return of copies of all correspondence between the Minister of Education, or any member of the Government, and the authorities, or any of them, of University College relating to the matter at issue between the students and the authorities of the College. Presented to the Legislature, 12th March, 1895. Mr. *Whitney.* *Printed.*

No. 52.. Report of the Ontario Game and Fish Commission for the year 1894. Presented to the Legislature, 18th March, 1895. *Printed.*

No. 53.. Report of Upper Canada College for the year ending 30th June, 1894. Presented to the Legislature, 15th March, 1895. *Printed.*

No. 54.. General Rules and Orders made by the Court of Appeal for Ontario, respecting the trial of Election Petitions pursuant to the Ontario Controverted Elections Act, R. S. O., chap. 10. Presented to the Legislature, 15th March. 1895. *Printed.*

No. 55.. Report of the Master of Titles for the year 1894 Presented to the Legislature, 18th March, 1895. *Not printed.*

No. 56.. Return to an Order of the House of the seventh day of March, 1894, for a Return shewing what deductions have been made in the past ten years in the amounts payable by any municipality to the Province in respect of Drainage Works, or advances made for such works, giving each municipality separately, with the amount of the original indebtedness and the amount of the reduction made with respect to it, and the authority for such reduction. And shewing also, whether any of such municipalities, and if so, which, are in arrear in respect of the payments to have been made on the reduced indebtedness and the amounts in arrear. Presented to the Legislature, 19th March, 1895. Mr. *Meredith*. *Printed.*

No. 57.. Certain Minutes of the Education Department and Copies of Agreement with certain Publishers of Text Books used in the Schools. Presented to the Legislature, 21st March, 1895. *Printed.*

No. 58.. Return shewing the fees and emoluments of the Registrars of Deeds for the Province for the year 1894, with which are contrasted receipts of the same nature in the years 1892 and 1893. Presented to the Legislature, 1st April, 1895. *Printed.*

No. 59.. Report of the Good Roads Association of Ontario for the year 1894 Presented to the Legislature, 22nd March, 1895. *Printed.*

No. 60... Report of the Niagara Falls Park and River Railway Company for the year 1894. Presented to the Legislature, 22nd March, 1895. *Not printed.*

No. 61.. Return to an Order of the House of the eleventh day of March, 1895, for a Return of copies of all correspondence relating to the appointment of Alfred Knight as Clerk of the First Division Court of the Counties of Lennox and Addington. Presented to the Legislature, 22nd March, 1895. Mr. *McLaren*. *Not printed.*

No. 62.. Copy of an agreement between the Inspector of Prisons and Public Charities and Messrs. H. A. Nelson & Sons, relative to the manufacture of brooms at the Central Prison. Also, of an Order in Council approved by His Honour the Lieutenant-Governor the eighteenth day of August, 1894, authorizing the Inspector to execute the said agreement. Presented to the Legislature, 27th March, 1895. *Printed.*

No. 63.. Return to an Order of the House, of the eighth day of March, 1895, for a Return, shewing the number of registrations in each Municipality in the County of Hastings. The number of registrations during the last ten years in the Riding of North Hastings, in the different Municipalities, together with the registrations during the last ten years in the Township of Hungerford. The registration fees during the year 1894 in the Riding of North Hastings and the Township of Hungerford. Presented to the Legislature, 25th March, 1895. Mr. *Haggerty*. *Not printed.*

No. 64.. Return to an Address to His Honour the Lieutenant-Governor, of the fifteenth day of March, 1895, praying that he will cause to be laid

before this House copies of all correspondence in the possession of the Department of the Attorney-General of Ontario in reference to warrants issued in one Province and to be endorsed in another. Also, copies of all letters and documents relating to warrants issued in Montreal and endorsed in Ottawa. Presented to the Legislature, 25th March, 1895. Mr. *Evanturel*. *Not printed.*

No. 65.. Return to an Order of the House of the eighteenth day of March, 1895, for a Return shewing the cost of the Diamond Drill; the date when operations were begun with it, and the number of days it has been in operation; the hours of the day it is worked; a statement of the work done and where carried on since its purchase and the number of men employed in its use and the rate of wages at which they are engaged. Presented to the Legislature, 28th March, 1895. Mr. *Farwell*. *Not printed.*

No. 66.. Regulations of the Department of Education respecting grants to Schools in New and Poor Townships. Presented to the Legislature, 2nd April, 1895. *Not printed.*

No. 67.. Report of the Fruit Experimental Stations of the Province for the year 1894. Presented to the Legislature, 5th April, 1895. *Printed.*

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No. 68.. Report of the Bureau of Industries of the Province for the year 1894. Presented to the Legislature, 5th April, 1895. *Printed.*

No. 69.. Return to an Order of the House of the fourteenth day of March, 1894, for a Return of all Coroners' Inquests held under the provisions of the Revised Statutes respecting Coroners, or the Acts consolidated therein, for each of the ten years preceding the first of January, 1880, and for each of the ten years succeeding the same date. The Return to shew the particulars for each year separately, and whether such inquests were held under the provisions of section 3 of the said Revised Statutes, or of sub-section 1 of the 4th section, or of sub-section 2 of the said 4th section thereof. Presented to the Legislature, 5th April, 1895. Mr. *Hudson*. *Not printed.*

No. 70.. Analysis of Reports of County, Township and Horticultural Societies. Presented to the Legislature, 6th April, 1895. *Not printed.*

No. 71.. Return to an Order of the House of the twenty-second day of March, 1895, for a Return, classifying the maintenance expenditures of the Public Institutions of the Province for the year 1893, under heads shewing: (*a*), Expenditure for salaries, wages, etc.; (*b*), Amounts paid for supplies furnished under contract; (*c*), Expenditure for meat supplies under special arrangement; (*d*), Expenditure for other supplies under different heads, indicating the comparative practicability or impracticability of purchasing same by tender, instead of the open market. Presented to the Legislature, 8th April, 1895. Mr. *Hobbs*. *Printed.*

No. 72.. Report of the Bureau of Mines for the year 1894. Presented to the Legislature, 9th April, 1895. *Printed.*

No. 73.. Report of the Provincial Board of Health for the year 1894. Presented to the Legislature, 10th April, 1895. *Printed.*

No. 74.. Report of a Special Committee of the Senate of Toronto University with respect to the Assets and Endowment of the University. Presented to the Legislature, 10th April, 1895. *Printed.*

No. 75.. Report of the Secretary and Registrar of the Province for the year 1894. Presented to the Legislature, 10th April, 1895. *Printed.*

No. 76.. Report of the Board of Governors of the School of Mining and Agriculture, Kingston. Presented to the Legislature, 11th April, 1895. *Printed.*

No. 77.. Return to an Order of the House of the third day of April, 1895, for a Return shewing the names of all officials employed in the Courts, or in connection with the Courts, at Osgoode Hall, Toronto, who are paid wholly, or in part, by fees. The amount of fees collected by each such official, the services for which such fees are charged, amount of fees retained by each of such official for his own use and the amount of fees, if any, paid to the Law Society or to the Province. Presented to the Legislature, 11th April, 1895. Mr. *McPherson. Not printed.*

REPORT

OF THE

COMMISSIONERS

APPOINTED TO INQUIRE CONCERNING THE MODE OF APPOINTING AND REMUNERATING

CERTAIN PROVINCIAL OFFICIALS

NOW PAID BY FEES

AND THE

EXTENT OF THE REMUNERATION THEY SHOULD RECEIVE.

PRINTED BY ORDER OF THE LEGISLATIVE ASSEMBLY.

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1895.

COMMISSIONERS.

HON. JOHN ALEXANDER BOYD.

HON. JOHN BEVERLEY ROBINSON.

JOHN JAMES MASON, Esq.

JOHN INGLIS HOBSON, Esq.

THOMAS BROOKS, Esq.

James Fleming,
Secretary.

N. R. Butcher,
Stenographer.

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REPORT OF THE COMMISSIONERS

APPOINTED TO INQUIRE CONCERNING THE MODE OF APPOINTING AND REMUNERATING

CERTAIN PROVINCIAL OFFICIALS

NOW PAID BY FEES AND THE EXTENT OF THE REMUNERATION THEY SHOULD RECEIVE.

To His Honour the Honourable George A. Kirkpatrick,
Lieutenant-Governor of Ontario.

MAY IT PLEASE YOUR HONOUR:

The undersigned, having been appointed by Commission under the Great Seal of the Province, bearing date the 26th day of March, 1894, and by Supplementary Commission, bearing date the 10th day of April, 1894, "to collect and report the facts bearing on the various views which have been expressed with respect to the mode of remunerating and appointing certain Provincial officials, now paid by fees, and with respect to the extent of the remuneration they should receive, including in regard to the said matters respectively, the practice and experience of other countries," beg leave herewith to submit their report.

PRELIMINARY.

1. The Commissioners while, open to receive communications from all quarters, yet took pains to communicate with those who were thought best qualified to speak about the matters in hand. Lists of questions were prepared, accompanied with circular letters, and these were sent to prominent men in the different counties, especially to those holding municipal offices, in order to elicit such information as could be thus obtained. These, however, were not generally or systematically answered, except by the county judges, from whom has come a valuable contribution of enlightened judgment and experience. The Registrar's Association also submitted an important paper. These with the questions and letters are to be found in the appendix.

2. The Commissioners also held meetings for the interrogation and examination of those to whom circular letters had been sent and others in various parts of the country, from whom it was hoped to ascertain facts as to the working of the present system, and as to its advantages or defects. The choice of persons was made irrespective of politics or religion, and with a view to test the state of opinion, observation and experience, in different localities, so as to furnish an aggregate which might be deemed fairly representative of the whole province. Such meetings were held at the following places: Toronto, Stratford, London, Chatham, Cornwall, Kingston, Belleville, Cobourg, Brantford, Guelph, Palmerston, Owen Sound, Barrie, Ottawa, Hamilton, Simcoe and Woodstock.

The testimony, which was taken by stenographic report, and afterwards submitted for verification to the speakers, will be found in the appendix.

3. The Commissioners also visited in separate bodies, some of the Eastern and Western States of the American Union, but directed their investigation there to inspection of offices, and conversations with officials and men of affairs, in order that they might better appreciate and understand the accounts of American institutions, and their working, which are to be found in print. No just notion can be obtained by the mere perusal of the statutes. The practical knowledge thus obtained has been found very serviceable, and has been applied in many parts of this report, although no such verbatim reproduction of the results can be given, as in the case of information obtained in Ontario; but in the special appendix annexed hereto may be found a resume of some of the results as gathered by the members of the Commission.

4. It is not deemed necessary to give an exhaustive analysis of the testimony collected by the Commission. It seems sufficient to say that the views enunciated in the report are in conformity with those entertained by the great mass of witnesses examined in this, that there is no good reason for making any change in the appointive system. On other points, as to compensation and its different details, there is a great variety of opinions and suggestions, out of which the Commissioners have endeavored to elaborate the best conclusions.

5. The Commissioners have also reported to some extent as to the method of administration and remuneration in other English-speaking coun-

tries; though this field is necessarily so large that it may be thought enough material has not been gathered to be of service in comparing contemporaneous systems and methods.

6. The endeavor of the Commission has been to lay hold of the salient points of other systems illustrative of, or conformable to, or contrastive with the Ontario system; but they feel in doubt whether too much, or too little, has been brought together under this head of enquiry. They would, however, affirm this, that Ontario has a good administrative system of steady native growth, and that the needs of the country may be better satisfied by the development of what we have, than by copying the fashions of other countries.

7. The necessity of having a uniform and scientific audit of municipal accounts was more than once brought before the Commission, though that matter lay outside of the scope of their investigation. Attention has already been called to this in the report of the Commissioners on municipal affairs, and legislative action has been taken in a like direction in 1893, in the State of Nebraska, by an Act to provide for examination, by direction and under supervision of the auditor of public accounts, and by means of two competent accountants, of the books, accounts and affairs, in the office of county treasurers, and to establish uniformity in the keeping of accounts. (Cap. 15).

8. Some of the official reports for 1894 have come into the hands of the Commissioners since the greater part of this report was prepared. For purposes of comparison, a table compiled from these is placed in the special appendix annexed hereto. It has been framed so as to show the amounts received by the various officers, and the sources from which such receipts are derived, with a column added to illustrate how much will be payable for public use from similar receipts when the legislation of 1894 (57 Vict., cap. 9,) takes effect.

With these preliminary words, the Commissioners proceed to set forth the substance of their report:

PART I.

1. The particular offices understood to be in question are: Registrars of deeds, sheriffs, local masters and deputy registrars, deputy clerks of the crown and clerks of County Courts, registrars of Surrogate Courts, county attorneys and clerks of the peace, Division Court clerks and bailiffs.

These officers all come under the general head of administration of judicial affairs, except that of registrars of deeds, which may be classed under the head of regulative administration as to the ownership of land.

2. The first essential matter involved in this enquiry is one affecting the distribution of Government power, as between the province and the municipalities. The right of patronage as to certain offices is now exercised by the Provincial Executive Government. Shall this be transferred to other hands? And if so, for what reasons? A change for the mere sake of change is not worthy of consideration.

To what extent may central powers be localized without detriment to the State? There was a distribution of such powers upon the introduction of the municipal system into Upper Canada in 1841 and 1849. Powers, administrative and financial, theretofore vested in the justice of the peace, once the "State's man-of-all-work," were then transferred to local representative bodies, and the magistrate retained his merely judicial functions. Again in 1867 there was a further

distribution of central powers, when the control of many departments of public affairs was transferred from the Province to the Dominion by the Imperial Confederation Act.

Now arises the question: Shall public interest be benefited by a further reduction of central power, whereby county councils or the inhabitants of counties shall choose the incumbents of various public offices in these territorial subdivisions of the province?

3. It is a begging of the question to advocate the change by calling these officials "county officers," as synonymous with "municipal officers." They are state officers, that is public officers, localized in the counties for public convenience, but not local officers of the counties. The duties they are charged with are not of circumscribed character pertaining to a particular locality, but are of general importance, affecting the community as a whole. The well-being of the whole province is involved in the efficiency of their service.

4. Some historical retrospect, chiefly with reference to the officers and institutions in question, may assist to a better appreciation of the matters in hand. The history of legislation exhibits the needs of the country, and the way in which they have been satisfied by Imperial and colonial statesmanship.

5. In 1788 the first step was taken towards the establishment of civil government in the western part of the old French Province of Quebec. By proclamation of the governor it was divided into four new districts: Lunenberg, Mecklenberg, Nassau, and Hesse. For each district a Court of Common Pleas, to be held by three lay judges, was erected. Justices of the peace were commissioned to hold Courts of General Sessions, and for each district a clerk of the peace, a coroner, and a sheriff were appointed by the governor.—Howard "Local Constitutional History," i. 434.

6. By the Act of 1791 the old province was subdivided into Upper Canada and Lower Canada. Lieutenant-Governor Simcoe in 1792 proclaimed the division of the new Province of Upper Canada into nineteen counties, for purposes of military organization and electoral representation in the legislature. One of the first acts of the Provincial Assembly was to change the names of the districts to Eastern, Midland, Home and Western. These districts were originally established, and were now continued, mainly for the administration of law and justice; whereas for purposes of settlement the first local divisions were parishes or townships. The officers still existing, historically extant when Upper Canada became a province, were the sheriff, clerk of the peace, and justices of the peace, appointed in and for each of the four original districts.

7. In 1792 it was provided that the sheriff should appoint and discharge the gaoler and keeper of the gaol and court house. (32 Geo. III., c. 8,s. 14). The justices at quarter sessions were to make rules for the gaol and to fix a yearly salary for the gaoler in lieu of fees.

8. Provision was also made in 1792 for a Court of Requests for the easy and more speedy recovery of small debts, (under 40 shillings), consisting of two or more justices of the peace, from which the present Division Court was evolved; and in 1794 for the District Court, (for small causes over 40 shillings and under £15), the origin of our County Court. (34 Geo. III., c. 3).

9. In 1793 the Court of Probate was established, the Lieutenant-Governor to preside, with power to appoint an official principal of such court, together with a register and such other officer as might be required. (33 Geo. III., c. 8). He was authorized to institute Surrogate Courts in each district, to appoint a surrogate to preside, and a registrar. (*Ib.* s. 2).

In 1794 the Court of King's Bench was established. This superseded the former Courts of Common Pleas, and a tariff of fees was fixed for marshall, crier and sheriff. (34 Geo. III., c. 2).

10. The beginning of local government appears in 1793 in the shape of legislation by which the inhabitants at annual meetings, called by the high constable, were enabled to elect parish, or "town officers." This designation was changed in 1835 to "township" officers, both meaning the same thing. (5 Wm. IV., c. 8). These officers were town clerks, (who kept the records, etc.), collectors, assessors, overseers of roads, fence viewers, pound keepers, and the town wardens. (33 Geo. III., c. 2). The high constable was appointed by the justices at quarter sessions, as were the other township constables.

11. In each county the justices of the peace were to appoint a surveyor of highways, and might direct him to employ a surveyor of lands in order to lay out new roads. (50 Geo. III., c. 1). The justices in quarter sessions were also authorized to fix and establish markets, and had jurisdiction over slaughter houses, and nuisances in towns, etc. This was called "establishing a police"* in the particular town, by which the magistrates were able to regulate various matters of local concern, such as paving, cattle, bread, etc. (57 Geo. III., c. 2 and 59, *ib.* c. 5). They had also to deal with the licensing of innkeepers, fixing the dog tax, appointing the treasurer of the district, and publishing yearly statements of district accounts. These and other *variorum* duties were the colonial equivalents of the still more miscellaneous functions filled by the English magistrates of like standing. As Mr. Maitland says, with grave humor: "Lawyers abandoned all hope of describing the duties of a justice in any methodic fashion, and the alphabet became the only possible connecting thread. A justice must have something to do with railroads, rape, rates, recognizances, records and recreation ground, with perjury, petroleum, privacy, and playhouses, with disorderly houses, dissenters, dogs and drainage."—"Justice and Police," p. 84.

12. In 1795 the Act for the Public Registry of Deeds, Wills, etc., was passed, which is the foundation of the existing law. The declared object was to establish a register in each county or riding of the province wherever it might be deemed necessary, and as required: the Lieutenant-Governor to nominate and appoint a person of sufficient integrity and ability to each office. It was provided, because of the scanty population, that one "register," (as he was then styled), might perform the duties of more than one office; he was to attend between 9 and 1 o'clock, and to receive for fees the sums specified.

13. In 1822 the judges were directed to establish fees to be taken by all officers of the court; again, in 1827 scales of fees were fixed for the judge and registrar of the Surrogate Courts, and for justices of the peace, by statute in that behalf.

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* The word "police" is here used in its primary sense, as meaning the regulation of a place with reference to the maintenance of order, the prevention of offences and the enforcement of laws relating to the health, safety and comfort of the locality.

Writing in 1780, Jeremy Bentham says that the word "police," though of Greek origin, seems to be of French growth, and from France imported into Great Britain, where it still retains its foreign garb." (Works i. 102, note). It was of common use in Canada earlier than this, and the word is found side by side in the French and English version of Quebec Ordinances. Thus in 1777 (17 Geo. III. c. 15) appears an "ordinance to empower commissioners of the peace to regulate the police of the towns of Quebec and Montreal."

It is found in Johnson's dictionary as a French word used in England, and meaning the regulation of government of a city or county so far as regards the inhabitants.

The use of "police" as meaning "constable" is of more modern date, and is an example of the usual abbreviation of compound terms, it being a colloquial equivalent for the police force or the "body of police constables." (See an interesting note in Maitland "Justice and Police," p. 105.)

14. The next step in evolving local government took place in 1832, when a board of police was incorporated for the town of Brockville, of which the members were to be elected by qualified voters. This board had all the ordinary powers of municipal corporations in regulating houses of entertainment, wharves, weigh-houses, measures, etc., and had the power of appointing the usual officers of such corporations, viz., surveyor, clerk, assessor, bailiff, collector and treasurer (2 Wm. IV., c. 17). This plan of procuring special charters was followed by other considerable centres of population in the next two years, for example, Hamilton, Belleville, Cornwall, Prescott, Kingston and Port Hope.

15. In 1833 the constitution of the old Court of Requests was changed, and provision was made for the appointment of two or more commissioners by the Lieutenant-Governor, who were to hold court at the same place within their respective divisions, and these divisions, (to be numbered one, two, three, and so on,) were to be ascertained and declared by the justices in quarter sessions. The commissioners were to appoint the clerk, and also the bailiff, of the court; and fees for commissioners, clerks and bailiffs were enumerated in the Act. (3 Wm. IV., c. 1.) In this way began the present "Division" Court.

16. In 1834 we find the now familiar term, "municipal government," first used in the statute book in connection with the town of York, the name of which was then changed to Toronto. The language used is interesting, and marks another step in the development of the institutions of Ontario: "Whereas, from the rapid increase of the population, commerce and wealth of the town of York, a more efficient system of police and municipal government than now established has become obviously necessary, and whereas none appears so likely to attain effectually the objects desired as the erection thereof into a city, and the incorporation of the inhabitants, and vesting in them the power to elect a mayor, alderman and common councilmen, and other officers, for the management of the affairs of the said city, and the levying of such moderate taxes as may be found necessary for improvement and other public purposes." Legislative and executive power, (limited to local needs and uses,) was vested in the mayor, aldermen and councilmen, who were called "representatives of the city." Power was given to appoint one chamberlain, (who might be the treasurer of the Home district), one high bailiff, a clerk, a coroner and constables. The clerk of the council was by virtue of his office to be clerk of the peace in and for the city, and to perform all the duties incident to the office of clerk of the peace for any district. (4 Wm. IV., c. 23.)

17. On the 10th February, 1841, the union of Upper and Lower Canada was consummated by royal proclamation pursuant to the Imperial Act 3, 4 Vict., c. 35. By sec. 58 of that statute the governor was empowered to constitute townships in those parts of Canada not so constituted, and to provide for the election and appointment of township officers therein, after the existing model of townships in Upper Canada.

18. At this point it is convenient to regard the status of townships prior to and at this date, 1840. The law on this head had been reduced to one Act, or as we now say "consolidated," by the Act of 1835. (5 Wm. IV., c. 8.) The yearly meeting of the inhabitants was convened by the clerk of the township in all townships when there were 30 resident householders, and at this assembly they were to appoint a chairman, and then choose one clerk, one assessor, one collector and three persons to serve as commissioners for the township, and any number of persons to serve as overseers of highways, roads and bridges, and as pound-keepers. The clerk of the township was to be the clerk of the board of commissioners. This board was charged with various duties: order-

ing the repair of roads and bridges, dividing townships, and alloting duties to overseers for the respective divisions, regulating the compensation of pound-keepers, filling up vacant offices, enforcing penalties and appointing "town wardens" to care for children. The commissioners and their successors were to be as a corporation to represent the whole body of inhabitants of the township, and might as such hold property, and defend and sue in the courts. In 1837 the name of the *quasi* corporate board was changed from "commissioners" to "wardens." (1 Vict., c. 21.)

19. The inconvenience of holding the annual township meetings, on account of the great increase of population, is beginning to be recognized in this year, and is referred to in 7 Wm. IV., c. 20, and no doubt contributed to the changed method of election which was afterwards introduced into the Canadian municipal system.

20. This brings us to the year 1841,—a notable one for the future of Canada,—in which the former representative assembly became the controlling body in the new system of responsible government; and in which also matters of local concern were turned over to the control of the localities, under the new system of municipal self-government. Both beneficial changes having been much agitated in the province, were brought into prominence in the report issued by Lord Durham, and were, (as is well put in Caldecott's "English Colonization," p. 131,) the "result of systematic thought brought to bear upon politics." As to the general government, the main result was to place the executive branch under the control of the Legislature, and ultimately under the control of the electorate. And this, by no written provision of law, but by the application of modern English constitutional principles, whereby the ministry must obtain and retain the confidence of the Legislature, and so stand or fall by their vote.

21. The other change was responsive to that paragraph of Lord Durham's report which relates to local government. He there urges the establishment of a good system of municipal institutions throughout the provinces as a matter of vital importance. The report proceeds: "A general legislature which manages the private business of every parish, in addition to the common business of the country, wields a power which no single body, however popular in its constitution, ought to have; a power which must be destructive of any constitutional balance. The true principle of limiting popular power is that apportionment of it in many different depositories which has been adopted in all the most free and stable states of the Union. Instead of confiding the whole collection and distribution of all the revenues raised in any country for all general and local purposes to a single representative body, the power of local assessment, and the application of the funds arising from it, should be entrusted to local management. The establishment of municipal institutions for the whole country should be made a part of every colonial institution."

22. The Act of 1841 for the better internal government of Upper Canada by the establishment of local or municipal authorities therein, made provision for incorporating all the inhabitants of the several districts, with power to be exercised through the council composed of warden and councillors for each district. The councillors were to be elected; the warden was to be appointed by the governor. The names of three persons were to be submitted for the office of clerk of the council, out of whom one was to be selected by the governor as district clerk. The district treasurer was also the appointee of the governor. His accounts were subject to quarterly audit by district auditors, one to be appointed by the warden and one to be elected by the council. Power was given to the council (*inter alia*) to make by-laws as to internal communication by roads,

bridges, and public buildings; purchasing and selling property for the district; defraying the expenses of the administration of justice within the district; fixing the remuneration of all district officers appointed under the Act; determining the amount of salary, fees, etc., to be received by township officers.

Some powers vested in the magistrates were transferred to district councils, but the Act was not to affect corporate towns or places having boards of police, or other local or municipal authorities. (4 and 5 Vict., c. 10).

23. In 1846 the members of the district council were empowered to appoint one of their own number to be warden, (instead of the governor,) and also obtained the right to appoint clerk, treasurer and surveyor. It was also declared that the clerk of the peace should always be eligible as district clerk.

24. In the same year it was provided that the expenses of the administration of justice in Upper Canada, then paid by local taxation, should be paid out of the public funds of the province. These expenses formerly payable out of the district funds to the clerk of the peace, sheriff, coroner, constable, crier, etc., were placed as a charge upon the general treasury. (9 Vict., c. 58).

25. In 1849 the territorial division of "district" was abolished, and the name of "county" substituted; "in this particular," as the statute declares, "following the example of the mother country," and retaining only the name of county for judicial as well as all other purposes. (12 Vict., c. 78). District courts became county courts, and all and singular the offices and officers appertaining to the districts thenceforth belonged and appertained to the counties (s. 3).

26. In 1849 the municipal system took its present form, and became comprehensive of all parts of the province. The previous general laws related to rural localities only—leaving towns and the like centres of population to be furnished with special charters. Now, however, it was declared to be of great public benefit and advantage that provision be made by one general law for the erection of municipal corporations, and the establishment of regulations of police in and for the several counties, cities, towns, townships, and villages of Upper Canada. (12 Vict., c. 81). And the Act proceeded to provide for the local organization and government of townships and counties, villages, towns and cities, and forms fundamentally the staple of the present municipal code of Ontario.

27. Contrast with the growth of institutions in Ontario the political development of the state of Michigan. That state is conterminous with the more fertile parts of Ontario, and has about the same population; Ontario having by the census of 1891 a population of 2,112,989, and Michigan by the U. S census of 1890 having 2,093,889. Now Michigan was originally a part of Upper Canada. It was embraced in the territory of Canada by the Quebec Act of 1774, and thus formed part of the district of Hesse, and afterwards of the Western district of Upper Canada. The early governmental system of Upper Canada embraced the area of Michigan till 1796, when it ceased to be occupied as a part of the British Dominion, and was surrendered to the United States pursuant to Jay's Treaty of 1794. Michigan was erected into a separate government as a territory in 1805, and counties for judicial purposes were set apart by the governor. Each county was to have a sheriff, a coroner, a treasurer, and a judge of probate, all appointed by the governor. But during the long term of General Cass, 1813-1831, he fostered among the people his own New England ideas of popular government, and hence the introduction of the incorporated townships, and the system of elective township and county officers, under an enabling Act of Congress in 1825.

28. Michigan became a state in 1836 with a constitution giving the power of appointment of judges to the governor. But under the "powerful democratical stimulus of backwoods life" the people were prepared to go even beyond the example of their eastern model. In 1850 when, as Judge Cooley says, "radicalism was in the air," the reformed constitution of that year greatly restricted the power of the governor, and required all judicial officers from highest to lowest to be elected by the people, as were also all the heads of departments and all other important officers.

29. By the constitution of 1850 it was ordained that in each organized county there should be a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney chosen by the electors thereof, once in two years, and as often as vacancies shall happen. (Art. X., s. 3). The affairs of the county were directed by a board of supervisors consisting of one representative elected by each town (township).

30. The State of Michigan has thus developed into a commonwealth where administrative authority is decentralized almost to the vanishing point; in effect it is a cluster of small separate republics called counties, electing their own judges and officers, legislatively under the general laws of the commonwealth, but working them out independently of each other and of the state.*

31. The municipal system of Ontario is the outcome of native statesmanship based upon English precedents; but shaped to completion upon lines that have only lately been followed in the mother country. There appears to have been deliberate consideration of the methods of county and municipal government in vogue in the American States, and a rejection of these for the more congenial, as well as more appropriate models suggested by English municipal reform in the boroughs.

32. Originally, and apart from the yearly election of officers at the town meeting, much of the administrative and financial work of the town and township in Upper Canada devolved upon the justices of the peace, (representing the central power.) Next, the work is taken from the magistrates and lodged in the hands of an elected body called (in the rural localities) "commissioners," and afterwards "wardens."

33. This is a deviation from the English plan of casting miscellaneous township work on the justice of the peace, and an adoption, or rather an adaptation, of the commissioner system of government in vogue in some of the States *e. g.*, New York. But this is only for a brief period of transition, after which the final form is adopted which is an advance upon both English and American models.

34. Note also the application of the principles of self-government to the towns, (using that word as now understood.) manifested in special legislation. While at first the making of rules and regulations for police governance, and the enforcement of them, are relegated to the justices in quarter sessions, the next step was to commit these functions to an elected board of police chosen by and from the inhabitants of the place. And this was but introductory to the next advance by which all the inhabitants were incorporated, and a representa-

* After the above paragraphs were written as to the State of Michigan, the following apposite testimony was sent by letter to the Commissioners from one who, in professional judgment and experience, is well qualified to express a trustworthy opinion: Mr. Elisha Taylor, of Detroit.

"I have conferred with other men here, prominent in business and in professional life, intelligent and of good judgment, and we have no hesitation in saying that we believe that the present mode of appointing, remunerating, supervising and controlling officials in Canada referred to in your circular, is safer, more economical and gives better service to the people, and prevents dishonesty more than the methods we have ever had in the State of Michigan. We think your methods are excellent."

tive council, elected by the people, became the organ of municipal government. This last advance was no doubt suggested by the nearly contemporaneous change in England ameliorating the system of borough government in 1834.

35. But the defect of the English Reform Act of 1834 was that its operation was confined to cities and towns. The Act was merely for "municipal" reform, and that word has in England a meaning limited, (as indeed it has also in the United States,) to incorporated towns or urban localities. The word thus takes its color and scope from the feudal system where all civil rights were concentrated in towns. The anomalous condition arising from this partial reform is commented on by Harriet Martineau in her "History of the Peace," (p. 469.) "It is an evil all round that the nation should be divided into two populations—the urban and the rural, whose interests are supposed to be antagonistic. It would have been a vast benefit to all if the two populations could have been united under a system of local government whose objects are of absolutely universal importance, instead of being separated as peremptorily as ever by the reform of town government, while rural administration remains as before. So the rural population remained in a backward and unfavorable condition, subject to the jurisdiction of the justices of the peace of counties and divisions of counties, while the town population is in the enjoyment of a representative system, which by improving their intelligence and independence could not but widen the severance between the two populations to the disadvantage of the rural."

36. No comprehensive scheme of decentralized administration for all England was brought into force till the enactment of the local government Acts of 1888 and 1894. By these Acts representative organs were provided for the counties, similar to those theretofore confined to corporate towns. Local affairs were taken out of the hands of the magistracy and given to a body elected on a popular franchise. This newly elected body, called the "county council," exercises all the administrative functions as to asylums, schools, bridges, main roads, court houses, lock-up houses, etc., formerly vested in justices of the peace—the latter officers being now restricted to the discharge of judicial business.

37. This sweeping change in England was in Ontario anticipated for the whole province by the Canada Municipal Reform Act of 1841, and the great principles of decentralization and representation were thus applied to local concerns nearly half a century before the mother country gave local institutions to all England. The officers, which the county council in England has the power to appoint and fix the salaries of, are the county treasurer, county surveyor, medical health officer, public analyst, and any other officers paid out of the county rate. The clerk of the council is to be also the clerk of the peace and is appointed by a joint committee of the council and the quarter sessions.

38. Both in England and Ontario we find in regard to the matter in hand, the lines plainly drawn between the functions of government which are of general importance, and those which are deemed merely local. The outcome is that of political experience developing along the lines of the constitutional system common to both countries. The roots of our institutions are fixed in native soil, and should not lightly be disturbed. "Constitutions are not made, but grow," the maxim runs; in Ontario the constitution has been shaped according to the growth of the country, so as to express and answer its expanding needs. Further development should be guided according to the principles of responsible representative government, not according to those extreme democratic methods where the executive is not in touch with the legislative branch, and where the people distrust every organ of government.

39. It is worth recalling that in the pre-union period of Canadian history, (in 1837,) there was an attempt made to hasten the process of political evolution by a resort to revolutionary methods. The constitution was to be displaced, and parts of the new fabric were to be after American plans. Thus the higher class of Upper Canada judiciary was to be appointed by the Governor, and the Governor himself was to be elected by the people. So justices of the peace and commissioners of the lower Courts of Request were to be elected for three years by popular vote. Again, because of the old unreformed colonial system of irresponsible government patronage, it was proposed that all sheriffs, registrars of deeds, clerks of the peace, etc., should also be elected by the people and hold office for a term of four years. The draft of a new constitution was published by W. L. Mackenzie on 15th November, 1837, which contains, among other provisions, the following: (59) The Governor shall be elected by the people at the times and places of choosing members of the Legislature; (62) The Governor shall nominate and appoint all judicial officers, except justices of the peace and commissioners of the Courts of Request or local courts; (66) A competent number of justices of the peace and commissioners of the Courts of Request shall be elected by the people for a period of three years, within their respective cities and townships; (74) Sheriffs, coroners, clerks of the peace and registrars of counties and districts shall be chosen by the electors of the respective counties and districts once in four years, and as often as vacancies happen. Sheriffs shall hold no other office, and be ineligible for the office of sheriff for the next two years after the termination of their offices. (See Lindsay's "Life of Mackenzie," vol. ii., pp. 344-356). Doubtless a grievance existed at that time as to these official appointments, but the suggested remedy was not equal to the better methods of general and local government which were presently to follow this period of political disturbance. The need was then exigent to consider and readjust the whole frame of government, and redress came in two ways: *First*, in the general government the executive was brought into close relations with the representative body, and was, for all provincial purposes, subjected to its control; and, *second*, the internal domestic management of the country passed into the keeping of the inhabitants, and was managed by their municipal representatives. It being necessary to distinguish between what was for central, and what for local control, the separation was advisedly made on the basis of British rather than American precedent. Thus was brought about in the forties a complete system of central and local government, recognizing the great principles of decentralization and representation which were afterwards worked out to similar issues (as to local government) in England, and as to both local and central government in the Australian colonies. The reasons urged in 1837 for an elective method of filling provincial offices ceased to be of weight after 1841, when the introduction of responsible government and municipal reform gave to the community practical control of all public affairs. So, indeed, it became manifest to the leader of the movement after half-a-dozen years of expatriation in the United States. He thereby gained such familiar insight into the working of the system which he had admired at a distance, that he renounced his earlier preference, and sought to return to Upper Canada, that he might enjoy the protection of its institutions under the reformed system of administration. (See Lindsey's "Life of W. L. Mackenzie," vol. ii., pp. 292-356).

40. The historical argument favors greatly the maintenance of existing methods of government. Ontario having entered the confederation of Canada, what reason exists for now enlarging the scope of municipal govern-

ment, and decreasing the power of the central government by withdrawing from the one and adding to the other duties which rightly pertain to the chief executive of the province ?

41. This enquiry deals with the actual form of government as it exists in Ontario—recognizing, therefore, the presence of parties holding different views of public questions, with the ultimate outcome in the Cabinet as guide of the Legislature, and the active power of the Executive. Thus have political forces shaped themselves under the constitutional system common to Great Britain and her most advanced colonies. The enactment of public laws by the Legislature, and the application and enforcement of them by the Governor in Council, go hand in hand. Wherever and so long as the "Cabinet system" obtains, one of its characteristics is the appointment of important public officials. The right of patronage is properly in the hands of the party in power. This power, like all other powers, may be abused, but in itself it is a legitimate function of the government of the day to be exercised for the public good. The following passage from a Canadian constitutional classic places the matter in a just light. Mr. Todd says : "In selecting individuals to fill subordinate places of honor and emolument, a great responsibility devolves upon the existing administration. Public opinion will no longer tolerate the prostitution of offices for political services that so often disgraced our history in former times. It is now an admitted necessity that everyone appointed to an office of trust, however small, should be qualified for his post, otherwise the choice will bring discredit upon the Government, and may lead to the withdrawal of public confidence and parliamentary support from those who are accountable for the same. But so long as this principle is not lost sight of, it is acknowledged to be the privilege of the administration to give the preference in appointments to office to their political friends and supporters ; for among the powers that are required to enable a government to perform its functions with efficiency, there are few more essential than that of reward." "The patronage of the Crown," says May, "has ever been used to promote the interests and consolidate the strength of that party in which its distribution has happened to be vested. It is true that the offer of places, as a corrupt inducement to vote at elections, has long been recognized by the Legislature as an insidious form of bribery. But while carefully avoiding the committal of any offence against the law, the patronage of the Crown, within certain limits —to be presently noticed—has been systematically, though not invariably, distributed by the ministry of the day, as a means of rewarding past political services and of ensuring future support. The greater part of all local patronage has been dispensed through the hands of members of parliament supporting the ministers of the day ; they have claimed and received it as their right, and have distributed it avowedly to strengthen their political connection." ("Parliamentary Government in England," i, 380-381, 1st ed.) The exceptions alluded to above are as to judicial offices, in which the choice is made with regard to merit and qualification, apart from personal or party considerations, and as to civil service nominations for minor appointments, which are often given irrespective of political considerations.

42. Assume the abuse of the right of patronage in some such way as is exemplified in the rise of the "spoils system" in the United States, where the successful party used its power to vacate offices in order to bestow them upon partisans under the name of the "spoils of victory." What is the remedy ? Not, it would seem, the method of popular election. That expedient was introduced for this purpose in the United States, but it has not answered the expectations of statesmen and patriots. Rather some such plan as is now in

vogue in the colony of Victoria, which, Professor Jenks affirms, is working towards the extirpation of the party system altogether. He tells us that in Victoria appointments and dismissals are made by the Executive Council. But no appointment can be made unless upon the request of a permanent head of a department, and upon the certificate of the public service board—a non-political body—which in giving its certificate names the person entitled to the appointment by strict statutory provisions. No official can be dismissed or punished, (save for proved misconduct,) except by the public service board with the consent of the Executive Council. This system has been in force since 1883, but while the party system for this and other reasons is dying a natural death, the professor doubts whether a cast-iron system of appointment and promotion is calculated to produce the best public service for a community.—"Government of Victoria," pp. 274-307. This doubt, independently of Professor Jenks, is shared by another eminent professor who has made a specialty of this branch of public law.—Goodnow, "Comparative Administrative Law," vol. ii, pp. 45-6.

43. It may be useful at this point to set forth the results of American experience as summarized by Professor Goodnow. The peculiar methods prevalent in the states of the Union of popular election and short tenure of office arose out of the abuses of executive patronage. At the outset offices were held for an indefinite tenure. The first change was made in 1820 by the National Government, so that the term was fixed at four years for certain accounting officers. The same limit was next made to apply to almost all officers in the National Government, and from thence it spread into the administrative system of most of the commonwealths. The design was to facilitate arbitrary removals from office with a view to fill the vacant berths by persons in sympathy with the dominant party. It was a distinctly American invention and took shape as a principle under the name of "rotation in office." (See Goodnow, vol. ii, p. 91.)

44. Again as to the change from the appointive to the elective system he says: "Originally the common method of filling offices in the United States was by Executive appointment, the early exception being as to town (*i.e.* township) officers. Partisan use was early made of the power of appointment in New York. Each party that came into power felt that it was its right to fill all offices to which appointment might be made with its own adherents, and to make places for them by the discharge of existing officers. This habit made its way into the national administration, and thence spread to every one of the commonmonwealths. The evils resulting from such a power led the people very generally to change the method of forming the official relation. Many of the officers were made elective. The movement continued from 1825 to 1850, with the final result that almost all the important offices were filled by popular election, both in the central commonwealth Governments and in the localities. Since 1850, however, there has been somewhat of a reaction in favor of the old method of Executive appointment, the reason being found in the fact that the method by election did not have the beneficial results which were expected of it.—Goodnow, vol. ii, 14. The attempt is now being made, he also tells us, to secure the repeal of the laws which introduced the principle of fixed or short tenure of office into the American system.—*Ib.* 92.

45. It must not be lost sight of that an essential distinction between the American method of government and ours is, that in the United States the Executive is independent of the Legislature, whereas in England as in Ontario the two are linked, so that Ministers of the Crown must obtain and retain the confidence of Parliament in order to exercise the functions of admin-

istration. Hence in the States the people act upon the Executive directly and only at the fixed periods of election, and not as here constantly through the medium of their representatives in the Assembly.

46. The Executive abuse of patronage in the States was therefore sought to be checked by the people taking the matter into their own hands by constitutional amendment. This they preferred to another method of redress, viz, by making the Executive responsible to the popular Assembly. That would be the adoption of the English method, which we possess. But the American plan of election is characteristic of an extreme democratic community, jealous of all organs of government, legislative and executive; they show it by tinkering at the written constitutions of the states, and so hampering the Legislature as to details which are properly cognizable by that body; they show it in the matter of election of public officials, whereby the executive power is depleted to insignificance.

47. Albert Stickney in his "Democratic Government" (1885), p. 115, says: "In the United States we have very thoroughly tried the system of distrust. We have assumed that men could not be trusted with power. We have made large numbers of public officials elective, and have given them short terms of office with the idea that it was necessary to keep officials at all times in a state of apprehension as to a re-election, and that thereby we could keep public officials at all times under the control of the people. That system has failed. Our political experience shows that that system turns Government into an election machine, and puts the administration of public affairs largely into the hands of political adventurers."

48. But if no reason exists for distrusting the representative Assembly of the people in Ontario, there should be no reason for distrusting the exercise of power conceded to the Executive by the Legislature. Upon representative foundations rest the institutions of Canadian Government, Provincial and Federal.

49. Now the American state system exalts the sovereign people, the electorate, over-works the Legislature, and minimizes the executive power. It recognizes that whatever affects the rights of all citizens as to person or property belongs to the central authority, in the sense that it is the function of the state to pass general laws and frame uniform plans under which these general rights may be administered in the various territorial divisions of the state. This local administration may or may not be subject to more or less central supervision, but the local administration itself is in the hands of elective officers chosen by the people. Administration of justice, preservation of peace, transfer of property and the like are state affairs doubtless in theory, but practically the handling of them as between man and man in daily life is abandoned by the state to the different localities, whether city, town or county, where choice is made of the requisite functionaries.

50. Let the main question under consideration be now restated: The alternative is between the local administration of general laws by local officers, locally chosen, and the local administration of general laws by officers, local as to situation, but chosen by the central power, which is upon the sound constitutional theory and practice of Ontario, responsible for the efficient execution of the general laws of the commonwealth.

51. If the appointing power is removed from the chief executive of the state, it is a minor matter where it is locally bestowed or distributed—whether to township or county councils, or left at large in the hands of the inhabitants.

52. If the power of appointment to office in any department of public affairs is withdrawn by the Legislature from the Executive, responsibility cannot rest upon the Executive for the due administration of that branch of service. If matters of general public concern are, so to speak, "municipalized," so that the choice of officers is distributed over the many local authorities into which the province is subdivided, it appears a matter of insuperable difficulty to plan any equivalent, in the way of governmental inspection or supervision, which will ensure a service uniform, adequate and efficient. At least such a discovery has not been made by our republican neighbors, according to the testimony of careful and friendly observers. The experience of the United States points to this conclusion: That the power of appointment and the power of dismissal should be kept in the same hands, in order to ensure an effective executive system. Thus writes Woodrow Wilson, "Executive power is diffused by our law throughout the local organs of government; only a certain formal superintendence remains with the authorities of the state capitols (s. 964). . . . The governor is not the Executive, he is but a simple piece in the Executive. It may be doubted whether the governor and other principal officers of a state government can, even when taken together, be correctly described as 'the Executive,' since the actual execution of the law does not rest with them, but with the local officers chosen by the towns and counties, and bound to the central authorities of the state by no real bonds of responsibility whatever. Throughout all the states, probably without exception, the sheriffs and other county officers, the county treasurers, clerks, surveyors, commissioners, etc., and the town and city officials also, as well as the judges of the courts, and the solicitors or district attorneys who represent the public authority before the courts, are chosen by the voters of limited areas, and are regarded for the most part as serving not the state, but their part of the state. Minor state officers there are, minor officers that is who serve ministerially the central offices—and these are often appointed by the governor; but it is exceptional for the governor to control in any real sense the officials, the local authorities, by whom the laws are put into actual execution (s. 974). It is characteristic of our state organization that the counties, townships and cities, into which states are divided for purposes of local government, do not serve as organs of the state exactly, but rather as separate, independent organisms, constituted what they are by state law indeed, but after being set up, left to themselves almost as entirely as if self-controlled. They elect their own officers, and go their own paces in enforcing the general laws of the state (s. 976 "The State"). Goodnow condenses the whole comprehensively thus: "The central administrative authorities have little control over the localities or the administrative authorities therein."—"Comparative Law," vol. ii., p. 141.

Mr. D. B. Eaton, upon this subject a specialist, writes in "Lalor's Cyclopaedia of Political Science," thus: "The officers at the head of the administration can be made to feel responsible for its good management directly—discipline can be preserved therein only—when they are able to control the selection and removal of all those below them."—Vol. iii., p. 141.

Charles H. Levermore, in his "Republic of New Haven," p. 289, says: "There is a principle of government which must sooner or later win acceptance, namely: Subordinate administrative officers should be appointed, not elected." The same maxim is also enunciated by Nordhoff's "Politics for Young Americans," s. 90.

The result of the American state system has its reflex action on the executive body. Quoting again from Woodrow Wilson, he says: "Relatively to the central organs of the state, local government is the most vital part of our system; as compared with either the Federal Government or with local authorities, the

central governments of the states lack vitality not only, but do not seem to be holding their own in point of importance. They count for much in legislation, but so far for very little in administration" (s. 1.043). Mr. Bryce calls attention to the effect of devolving functions of the central authority upon the localities, by which the province of the state is narrowed, and to the excessive legislation which encroaches on matters that might be left to executive discretion, and then adds: "It is a natural consequence of their arrangements that state office carries little either of dignity or of power" (I. p. 509, "The American Commonwealth." And at p. 537 he thus generalizes the result of his studies: "The truth is that the state has shrivelled up."

53. Our system is so shaped that the legislative and executive parts of the frame of government may co-operate in the enactment and enforcement of public laws; but so far as the official force is chosen by municipalities, to that extent the Executive is relieved of responsibility, and its influence and value lessened. If the power and functions of the Executive are substantially diminished by distribution among the localities, two effects will be more or less manifested: (1) Administration will tend to lose its harmony and become weakened by disintegration, and (2) the constitutional standing of the Ministry in our system of parliamentary organization will be prejudicially affected. At present, to use Sir William Anson's phrase, the Cabinet is "the motive power of the Executive," ("The Crown," p. 138); but allocate to local bodies important departments of public business and the Cabinet will, as to those branches, dwindle to the dimensions of a board of inspection and recommendation. The status of a Cabinet with depleted powers would decline, and both legislative and executive place would cease to attract the most competent men. In brief, the tendency would be to dwarf the province and exalt the municipality.

54. These, and like matters of grave moment, demand consideration before any change is made involving a constitutional departure so suggestive of far reaching results.

55. As against the suggested drawbacks, what gain may be looked for? Exchanging the appointive system for the elective, how would this affect the official *personnel?* No gain is likely to result. The method of appointment to office aims at economy of power, unity of purpose, and efficiency of action; the method of election subordinates everything to popular control. Now the advantage of popular control is entirely illusory where the electoral constituency is counted, not by hundreds, but by thousands. The average county in Ontario contains (say) 40,000 inhabitants—more than a hundred times the number of those who in the early days of New England made famous the elective system of town officers. The words of an American author, (more than once quoted,) are emphatic on this point. Prof. Goodnow says: "In order that such a popular control may be exercised, the people must be in a position to judge of the respective merits of the candidates for office. In the central commonwealth administration, and in the municipalities where the feeling of neighborhood is not strong, and where it will be difficult, if not impossible, for the people to know much about the merits of the different candidates, it is useless to adopt the elective method, in the hope that the people will by its means be able to exercise any appreciable control over the administration. The only way in which the people may exercise such a permanent control over the administration is for them to elect only the most prominent officers of the Government, who are then to appoint to the subordinate offices. If a long list of candidates is presented to the elector for his choice, if many of the offices to be filled by election are of a subordinate or unimportant character, (*i. e.* relatively so), even the most intelligent

voter is apt to become confused. Other reasons than the positive merits of the candidates are apt to influence his choice, and the result of the election is apt to be in accordance with the wishes of those few persons who have the time and the inclination to busy themselves with the conduct of public affairs, rather than in accordance with the wishes of the people." (ii. 17.) He proceeds: "For these branches of administration, *i. e.*, the central commonwealth administration, and the municipal administration, the method of forming the official relation should be by appointment, if an efficient, harmonious and responsible administration under popular control is desired. This is the method which has been so successfully adopted in the national administration. This is also the method which has been adopted by the most recent and important municipal charters in the United States." (V. ii., 18.) And further: "The elective method of filling offices is in all instances unfitted for officers the efficient performance of whose duties requires the possession by the incumbent of large professional or technical knowledge. Such offices are those of judge, law officer, civil engineer, etc."—*Ib.*, p. 18.

56. Mr. Bryce quotes a forcible passage pertinent to the aspect of the question now under consideration (i. 614) from the address on municipal government of Mr. Seth Low in these words: "Greatly to multiply important elective officers is not to increase popular control, but to lessen it. The expression of the popular will at the ballot box is like a great blow struck by an engine of enormous force. It can deliver a blow competent to overthrow any officer, however powerful. But, as in machines, great power has to be subdivided in order to do fine work, so in giving expression to the popular will the necessity of choosing amid a multitude of unimportant officers involves inevitably a loss of power to the people."

57. If the exercise of the right of patronage by the dominant party is to be regarded as a disadvantage, it is one which would equally attach to the elective system. Of popular elections, Bryce thus writes: "They throw the choice into the hands of political parties, that is to say, of knots of wirepullers inclined to use every offer as a means of rewarding political services, and garrisoning with grateful partisans posts which may conceivably become of political importance, i., p. 485. He is speaking of the election of judges, but his remarks are of general pertinence,—and see vol i., 590, where he points out that county officials are apt to be chosen on political grounds. The general experience of the various states is that all popular elections proceed on the same lines—the names of all candidates or nominees are grouped on one ticket—whether for legislative, or congressional, or county service—and all is engineered by the "Professional politician." What other result could be expected here, even if at first the election was to be for life, or during good behavior? For this plan would only obtain at the outset; the voters would soon be enamored of short terms, and frequent elections, so as to give every man a chance. American experience casts its light on this path also. This whole scheme of popular choice, short term, and frequent election, is most appropriate in the case of representatives of the people, so as to reflect and present that changing public opinion which is the prime factor of government; but it is highly inexpedient to extend such a method to the selection of officers who shall administer the laws—for such officers are not representatives of the people, and stability is one prime factor of their effective service.

58. From a scientific point of view the matter is admirably treated by Professor Henry Sedgwick. After stating that for legislative work it is desirable to constitute a numerous body of persons having voting power, elected and removable at short intervals by the citizens at large, he proceeds: "The executive departments on the other hand are mostly occupied with the continual

accomplishment of particular effects, in accordance with prescribed general rules or for the attainment of some prescribed end of public utility. Accordingly executive business may be assumed to have so much general resemblance to ordinary private business as to render it desirable that the details of the work in each department should be carefully portioned out amongst subordinates arranged in various grades and classes; and that these subordinates should loyally obey the direction of a single head, or of a body of persons sufficiently small to be able to deliberate easily and rapidly, and take prompt and sometimes secret decisions. Hence popular election seems generally undesirable as a mode of appointing even the highest grade of subordinates; partly because it would tend to give the elected official too independent a position; partly because the electors would not ordinarily be good judges of the special qualifications required for the different kinds of work. It would seem, then, to be, as a rule, desirable that subordinate members of the executive should be appointed by official selectors." P. 391, "Elements of Politics." Then after discussing the question of qualifying and competitive examinations for entrance into the civil service, (a question not now under consideration) he continues, at p. 402, by saying: "Popular election, however, seems hardly more adapted to secure the special qualifications required for good administration in headships of departments than in subordinate posts; the choice therefore may be taken to be between appointment by the legislature, and by the supreme executive. If we regard efficiency, it would seem that the majority of elected legislators will not be so well qualified by experience of executive work to select the most efficient heads of departments, or to dismiss with full and accurate knowledge of the proofs of unfitness as the supreme executive."—*Ib.*, p. 402.

59. Popular election as applied to the judicial and quasi-judicial officers is universally deprecated, and as applied to ministerial or administrative officers, the results are lamented by men of affairs and observers of political history, whose words command respect.

60. In an able paper by W. G. Sumner on "Politics in America, 1776-1876," in N. A. Rev., vol. 122, he reviews the trend of political affairs for the century, and at p. 81 draws this conclusion: "It seems to be perceived that the place of popular selection is applicable to executive and legislative officers, but that it is not applicable to the judiciary or to administrative officers. In the one case broad questions of policy control the choice; in the other case, personal qualifications and technical training, in regard to which the mass of voters cannot be informed and cannot judge. In some quarters an unfortunate effort has been made to charge the duty of making certain appointments upon the judges, because as a class they retain the greatest popular confidence, and the restraints of their position are the weightiest. This however seems to be using up our last reserves." The context shows that Mr. Sumner's use of the term "executive" in connection with "legislative," points to those political chiefs or heads of departments represented by the president and governors in the states, and with us by the members of the Cabinet.

Simon Sterne writes: Elective officers have been unduly multiplied to such a degree that it becomes almost impossible for the voter, busily occupied with the demands upon him of his business, to determine intelligently upon the merits of the numerous candidates presented for different offices by political organizations: Lalor Cyclop. Political Science, vol. 3, p 586. And in the same volume D. B. Eaton says,: "the great number of candidates for election confuses and disgusts the voters in much the same degree that it makes the business of caucus management intricate, active and profitable. The election of such officers as con-

stables, county clerks, secretaries, justices and judges whose functions are in no sense representative, and who were appointed until the "spoils system" became established, is indefensible upon any sound principles. The changes that made them elective were naturally designed by all those interested in the patronage of party chieftains, or gains of primary elections. The honest voter, alarmed at the abuses of the appointing power, too readily consented to the change, in the hope that it would be an improvement. But for the abuse of that power such officers would never have been made elective; with a true reform they will be again made appointive."—*Ib.* p. 350. Be it marked, that by the "spoils system" is not meant the exercise of executive patronage upon the normal occurrence of vacancies, but the periodical dismissal of officials *en masse* upon a change of Government in order to appoint new men out of the dominant party.

Nordhoff, (a name that carries weight,) lays it down that "to enable the people to take an intelligent and real interest in politics it is necessary that they shall have to elect few persons.—1 "Politics for Young Americans," 85.

Nordhoff further writes in the N. A. Review:

"The folly of obliging the people to decide at the polls upon the fitness for office of a great number of officers lies at the bottom of all the misgovernment from which we suffer, not only in the cities but in the states. It is a darling device of the political jobbers, and a most successful one; for under the hollow pretence that thus the people have greater power, they are able to crush public spirit, to disgust decent and conscientious citizens with politics, to arrange their "slate," to mix the rascals judiciously with a few honest men, wherever public sentiment imperatively demands that much, and to force their stacked cards upon the people.—P. 327.

In most of the states of the Union demagogues have persuaded the people that they are wise enough to choose a number of public officers, and that this is the most democratic way, the way in which the people can exercise the most control over their affairs. But in fact it is the way in which the caucus, and the reign of political jobbers is perpetuated; in which the people stultify themselves and resign all real control over their affairs to a secret unofficial and self-seeking council of political managers; and in which able and honest men, who cannot be the creatures of such a conspiracy, are almost inevitably driven out of political life.

The demoralization of our State Government, which is so general that it has excited very just alarm, will never be cured until public opinion, rightly instructed, demands a change in the state constitution, which shall restore power to the people by giving them in the state, as they have in the Federal Government, a single responsible head to whom alone they may look for the remedy of grievances, and upon whose head the whole power of public opinion may be brought to bear."—P. 329, 330.—Nordhoff, 113 N. A. Rev. (1871.)

Touching this desire to have all branches of administrative service filled by popular election, it is pithily said in "How we are Governed": "It looks sometimes as if the people wished to control everything, even the very things they have committed to their officers, and have forgotten that in our Government they are not the power itself, but only the sources of power."—(By A. L. Dawes, p. 246.)

61. As opposed to the incongruous method of election to offices, sagacious men have preferred the better plan of choosing subordinates or assistants which prevails in everyday life.

Mr. Godkin (now editor of the "Nation") says "the true cure for the defects in the present system is the adoption of the methods which are found successful

in private business; 3 Lalor, p. 24. To the same effect Mr. Whitridge, 1 Lalor, p. 155.—Mr. Nordhoff writes thus, "the business of a Government does not differ in this respect from that of a merchant or a railway company; and no merchant could successfully conduct his business if his clerks, bookkeepers and porters were appointed and removable, not by himself, but by his customers. "Politics, etc., par. 92." In the same strain Mr. David Dudley Field, advocating the appointment of judges by the chief executive officer instead of by popular election, says, "turn the eye to the secular employments of life. Run the eye over the banks, the railways, the steamers, the manufacturing corporations, and other associations great and small, by the work of which we build our houses, furnish them to our several tastes, and satisfy our wants night and day. I speak of the enterprises half public and half private, which are expressly authorized and controlled by the state, but not manned by it. I mention these instances to show that popular election is not the general rule in human society. What citizens want is the ultimate sovereignty, and a ready means of exercising it in case of need. The ultimate sovereignty rests in the body of the people. That does not imply that individuality should be crushed out, or that all offices or even most of them, should be filled by popular election."—1 Scots. Law Times (1893) p. 222.

Another quotation from a small book but one of uniform excellence, may be also permitted at this point: "It is as though the stockholders of a great railroad feared to trust their superintendent, or to give him the power to appoint his officers and manage the road; but tried instead to keep the business in their own hands. If accidents then happened, or losses befell the road, no one in particular would be blamed.

"The ordinary citizen cannot easily know the fitness for office of many candidates. He must choose by rumor and report, and sometimes unfairly. It is not desirable therefore to multiply the offices to be filled by general elections. There are many important offices now filled at haphazard by the vote of a multitude, which might more fitly be filled by the appointment of the executive, who would then be responsible for good appointments. All judges, sheriffs, and attorneys for the government ought especially to be chosen in this more careful way, rather than by popular elections." From "The American Citizen," by C. F. Dole, pp. 160-162.

62. If the right of appointment to these various state offices were given to municipal councils, the teaching of experience is that party predilections would in a new shape infallibly crop up. The vote for councillors would assume new importance if the right of patronage to remunerative offices was exercisable by the council. As in all like cases, the same voting organizations, such as the caucus, etc., would be put into operation; lines of party cleavage would supply obvious means for employing or adapting the machinery used in choosing representatives for the purpose of central government to the enlarged purposes of local government. As a consequence the proper ends of local government would be lost sight of, or would lose prominence in municipal elections. Appointments would still be made, having regard to party considerations; but it would be the particular party predominant in the particular county, and not the party predominant in the province at large, who would then exercise the right of local patronage. Where would be the gain of this to warrant a constitutional change in the manner of appointment?

63. For the sake of patronage, division on the lines of political parties would spread into the region of municipal affairs—where the party system is without pertinence—to the disparagement of good and honest local government. The mischief of this is discussed in passages quoted by Mr. Bryce in vol.

i. p. 160, extracted out of the able report from the New York Commissioners of 1876. And it had been long before pointed out by Mill in his "Representative Government," (1860) that the mere indirect political influence of town councils had led to a considerable perversion of municipal elections from their intended purpose, (*i.e.* to serve local needs), by making them a matter of party politics. (See Ed. of 1882 p. 79.) See also Bryce, vol. ii. p. 23.

64. There is another source of danger which ought not to be left out of account in the consideration of a change in the system of official selection. Where the party system prevails it seems inevitable that corruption should be fostered by holding out offices of emolument as the rewards of popular suffrage. Certain it is that the so-called "political assessments" have been the concomitant of elective offices, and it is to be feared that like results in Ontario would follow upon the introduction of a like system. This head of "Civics" is well handled by Mr. Whitridge in Lalor Cyclop. i., 152. The professional politician and his machinery working for illicit gain appears to be the inevitable outcome of multiplying elective offices, to which pay is attached, in constituencies so large that people know little of each other. See Bryce, vol. ii., pp. 67-73.

65. Then again comparing the advantages of choice made by the small body of cabinet ministers—seven or eight—with that likely to be made by the score or more of members who compose the county councils—on which side does the scale turn? It is well known that the sense of responsibility increases as you diminish the number of those charged with duties or trusts, while with the increase of numbers you decrease the safeguards of responsible action. In the handful of picked men at the head of affairs you have presumably the best that the country can supply—you have presumably that combination of legal or constitutional knowledge, business experience, general sagacity in public affairs, and intelligent apprehension of the methods of administration, coupled with a sense of the gravest responsibility, which will lead to the filling of public offices by the appointment of fit and competent men. The local councils, however qualified for county work are, (as Stuart Mill says), "watched by, and accountable to, an inferior and a more limited public opinion, than that which surrounds and admonishes the highest authorities at the capital."

66. Although the election of administrative and judicial officers is commonly spoken of as "the American system," yet the American method as found in the National Government of the United States is all in favor of executive appointment. The so-called American system is the unique peculiarity of the several States of the Union, wherein no attempt is made to secure any uniform administration, and where each state is in effect but a larger municipality. But when one turns to the National Government, the head of the executive—the President—is both political and administrative chief, has the appointment and control of all subordinate officers, and so directs an efficient and harmonious administration.—Goodnow, i., 70, 137,

67. Be it remembered then, in estimating the effect of American example, that two systems exist side by side in the Federal Government on the one hand, and in the States or Commonwealth Governments on the other, and that the principles of central executive control in matters of public administration, which obtain in the Federal Government of the United States, are in substance those which prevail in England and Ontario. As to the merits of the two, consider the appraisement of one well-acquainted with both; "The executive department, from its functions, demands a large number of officials reaching into the smallest political division of the country, moving in direct contact with the people, and at the same time demands a high degree of accountability, for the

trusts are important and easily abused. For these reasons, to appoint all executive officials (except the chief executive officer) is better calculated to secure an efficient service, than to elect by popular vote.

"That the principle in force in the executive department of the Federal Government is the only true one cannot be doubted, although it has often been abused for party or personal reasons. Public appointments should be made on the sole authority of those to whom directly or indirectly the holder of the office is subordinate. And in respect to responsibility the Federal Executive furnishes a model worthy of all imitation." Ford, "American Citizens' Manual," part i. pp. 118 and 120.

68. The reaction has already set in in many of the states, and especially so as regards large centres of population. There is a general concensus that it behooves the commonwealth to strengthen the executive power by concentration. For this purpose legislation is sought so as to reform existing methods of municipal government, by centring appointing power in, and thereby affixing all administrative responsibility to, the chief magistrate of each city.—See City Government of Boston, 5th series, Johns Hopkins Studies, p. 53.

Dillon says "experience with us has demonstrated the necessity of more power, and more responsibility in the executive head of our municipal institutions," and he suggests that this head should have the sole right to appoint, and unrestricted power to suspend subordinate officers.—Municipal Corporation, paragraph 73, p. 31.

So it is insisted on, as the grave fault of State Constitutions, that they interfere with the power of the Governor to appoint his subordinates in the executive department, and this weakens responsibility and causes confusion in the government.—Nordhoff "Politics for Young Americans," paragraph 424.

Paragraph 69. The whole field under investigation has been surveyed with wonderful prescience by John Stuart Mill, and his words have been commended by Americans as pointing out the better way of administrative management. From an author quoted by Mr. Bryce as of authority, W. C. Ford, the following passage illustrates what has been said: "There can be no question that one of the most prolific sources of official corruption and incompetency lies in the multiplication of elective offices, and herein consists one of the great distinctions between national and state offices. The democratic doctrine is that all officers should be chosen by the people, and it is often added, should hold office for short terms. But the people may fill offices indirectly by vesting the appointment in some elected officer, and no violence is done thereby to the democratic doctrine. In fact when closely examined the application of a system of elective officers is of very limited scope, and especially with regard to executive or administrative officers." . . . Mr. Mill, in his work on "Representative Government," recognizes the true principle that should govern the filling of executive offices. "A most important principle of good government in a popular constitution is that no executive functionaries should be appointed by popular elections, neither by the votes of the people themselves, nor by those of their representatives. The entire business of government is skilled employment; the qualifications for the discharge of it are of that special and professional kind which cannot be properly judged of, except by persons who have themselves some share of these qualifications or some practical experience of them.

. . . . All subordinate public officers, who are not appointed by some mode of public competition should be selected on the direct responsibility of the minister under whom they serve. . . . The functionary who appoints should be the sole person empowered to remove any subordinate officer, who is liable to removal, which, for the greater number, ought not to be except for personal mis-

conduct." "Our Citizens Manual," i. 130. Let this be supplemented with a further pertinent citation from Mill: "Local business has its executive department. With respect to this the same question arises as with respect to the executive of the state. The principles applicable to all public trusts are in substance the same. In the first place each executive officer should be single, and singly responsible for the whole of the duty committed to his charge. In the next place he should be nominated, not elected. It is ridiculous that a surveyor, a health officer, or even a collector of rates should be appointed by popular suffrage The popular choice usually depends on interest with a few local leaders, who, as they are not supposed to make the appointment, are not responsible for it; or on an appeal to sympathy founded on having twelve children, and having been a ratepayer in the parish for 30 years. If in cases of this description election by population is a farce, appointment by the local representative body is little less objectionable. Such bodies have a perpetual tendency to become joint stock associations, for carrying into effect the private jobs of their various members. Appointments should be made on the individual responsibility of the chairman of the body, let him be called mayor, chairman of the quarter sessions, or by whatever other title. He occupies in the locality a position analogous to that of the Prime Minister in the state, and under a well organized system the appointment and watching of the local officers would be the most important part of his duty."—Rep. Gov. p. 116.

70. It is interesting to compare the testimony of Sheriff Mercer of Kent with the above estimate of the predilections of municipal councils. This passage has received the general approval of President Woolsey—a standard American authority—in his work on "Political Science," vol. ii.

71. Mr. Mill is referred to by Spencer Walpole as one of the most eminent expounders of representative government, whose ideas though elaborated in the closet, have been tested and confirmed by practical experience in Parliament. Walpole quotes from one of Mill's latest speeches in the Commons these words; "When a public body knows what it is fit for, and what it is unfit for, it will more and more understand that it is not its business to administer; but that it is its business to see that the administration is done by proper persons, and to keep them to their duties." This, though said primarily with reference to the legislative body, is equally pertinent to the relations between the electorate and the executive.—Todd's Parliamentary Gov't ii p. 136. Walpoles ed).

72. Passing briefly to some details; the present system in Ontario of apppointment, supervision and removal, is simple, uniform and economic in its working, as compared with the results which might be expected to follow upon a division of these functions between the localities, the judiciary and the central government, or any two of them.

73. Suppose a composite plan elaborated whereby the county councils or the people of the county, should fill the offices, and the Government inspect the work done and dismiss of its own motion, with or without the intervention of the courts; it is likely that many occasions of friction would arise between the local and the central power, engendering mutual suspicion and ill-will.

74. The unified management of the civil service, to be found in Great Britain and her self-governing dependencies, is in strong contrast with the administrative dispersion peculiar to the American State Governments. In the American State, the choice of persons depends on the popular vote; after this, the direct popular element disappears. That great part of the appointing power

which regulates compensation is exercised by the legislature, or is remitted to the elected county board of supervisors, or commissioners. The official duties are defined by the legislature, descending into minute details, and if the salaries are dealt with by this body there is frequent recurrence to the subject. Executive control is notable by its absence; the supervision, if any, is by the same county board, and not by the state. In cases of grave dereliction of duty, the courts are open for impeachment, and in some instances the power of removal or suspension (for cause) is exercisable by the Governor as Chief Executive—whose action, however, is subject to judicial review.

75. Besides this, all the procedure pertaining to contested elections must be invoked, in case the right to hold the office in the first place is challenged. This cumbrous state organization is unique, and does not appear in the National Government which conforms to the English model.

76. Manifestly more complicated and expensive in its working is this machinery of appointment and removal, than the comprehensive simplicity of action by the "Governor in Council" in Ontario. Therefore, if the localities are to select state officers, care must be taken to provide for the proper supervision of their work, and for dealing with them in case of personal or official misconduct. Nevertheless, despite all precautions to safeguard public interests, wherever authority is divided in the matter of appointment and discipline, considerable impairment of the service may be expected.

77. Resort to the elective system is not advocated on the ground that better officers will be obtained. Putting it even on the lowest ground, that the duties of many officers call for no special ability, but may be done by honest men with average business aptitude, this class of public servants has been obtained by executive appointment, and more can not be expected from any substituted agency. Nor will more efficient service be rendered than is now secured by governmental inspection and supervision. But it is said that better economic results will be secured, by cutting down the expenses of office and the income of the officer, if the patronage is in local hands. Parsimony, however, is not economy. Whatever adjustments in regard to the financial aspect of the public service are called for by sound policy, these can better be made by the head government, than by relegating this matter, with plenary power, to the fluctuating standards of the two and forty counties of Ontario. This matter of fees and salary is part of the proper work of the Government, and even in the States, it is never left to the people, but is more and more being defined by legislative authority. British and colonial constitutional usage is well defined by Mr. Todd: "Ministers," he says, "are directly accountable for maintaining the public service in a proper state of efficiency, for selecting qualified persons to fill all subordinate offices under the Crown, for awarding to such persons adequate remuneration and for granting them protection against oppression or dismissal upon insufficient or unwarrantable grounds. The authority that appoints to office is necessarily competent to dismiss any inefficient or untrustworthy servant. It is also the proper judge of their qualifications, and of the remuneration they receive." Parliamentary Government i, 401. And again: "as with the appointment and dismissal, so with regard to the remuneration of public employees, it should be left to the Government to determine the amount of pay to be allotted to all public servants of whatever grade or position. Those who serve the Crown should look directly to the Crown for compensation and reward. It is the peculiar duty of the executive government, and of the heads of the several departments, to enter into the particular and minute considerations by which the rate of salaries, the annual increments and the prospect of promotion are adjusted."—*Ib.* p. 396.

78. In some instances, particularly in the case of fee-producing offices, the compensation is fixed or regulated by the Act of the legislature; but whether by that body or by the executive council, more just and equal results will be arrived at, than by leaving the amount to the varying standards of the different localities.

79. Some objectionable incidents of executive patronage have been adverted to in the evidence; these if inherent in the system, are not peculiar to it; but perhaps they may be remedied without resort to radical expedients, which may turn out to be not even satisfactory equivalents.

80. It is said that offices are kept vacant for long periods, which indicates either that they can be conducted without filling the vacancy; or that they are kept open for partisan purposes. The remedy is to fill vacant offices within a fixed period after the death or removal of the former incumbents, and to have such vigilant oversight of the nature and extent of the several branches of service, as to ensure sufficient work for the officers, and sufficient officers for the work.

81. It is said that vacancies are filled by the appointment of members of the Legislature, who are influenced by the prospect of obtaining this reward, and so conform to the policy and wishes of the ministry. One remedy is to prohibit the appointment of any member to office while he is a member, and for a certain period after the electoral term has ceased for which he has been elected.

82. It is said that appointments are made at the instance of defeated and discredited candidates of electoral constituencies, when the one defeated is of the same party as the ministry in power. This usage is recognized as a constitutional exercise of executive patronage and it is difficult to propound a satisfactory substitute. But there is a suggestive memorandum of the House of Commons in 1835, with reference to the character and qualification of those who should be put into the commission of the peace, that may be adverted to in this place:

"The Commons consider it to be of the highest importance that such (local) information should be publicly given by persons acting avowedly, and therefore responsible for their recommendation; that if such information be not so given, it must necessarily be sought for through private and irresponsible channels, and the persons recommending will be freed from the salutary control of public opinion, and may be swayed by undue preferences; that the town councils freely elected may safely be presumed to have the deepest interests in the impartial administration of justice, and in the due enforcement of law within their respective communities, and there is therefore no reason to apprehend that they will submit for His Majesty's approval the names of improper or undeserving men; that should the very improbable occurrence take place, it would be the duty of those who advise the Crown to set aside the recommendation of the Council and to require a new and revised list. (All this) with a view both to the responsibility of those who recommend; to the trustworthiness of those who are recommended, and to the right and authority of the laws, which cannot be separated from the character of those by whom the laws are administered." (See Glover Municipal Corporations p. 472.) Such a scheme adapted to county councils would mean the fair and honest submission of a list of suitable names, irrespective of politics or religion, so as to give some latitude of choice to the executive. This is not dwelt upon further, for it may not be within the range of practical politics. The opinion of the Hon. T. M. Cooley communicated orally to one of the commissioners is not favorable to the nomination of appointees by the county council,

from which the executive might appoint; because it would lead to intriguing, or to the power passing into the hands of a ring or clique, or it would lead to friction and deadlock between the councils and the government. In his view, if the executive is to appoint, it should take the entire responsibility. (See also the testimony of Dr. Bourinot). This matter, however, in its relation to constituencies opposed to the ministry of the day, is not of fundamental importance.

83. Again, it is said that office holders bestir themselves actively, in canvassing and electioneering, in view of provincial elections. While it is not desirable to debar them from the exercise of the voting franchise, the public interest will be promoted by the suppression of their aggressive interference, whether for or against the government of the day. For, on the one hand, it is incongruous that officials should manifest active opposition to the existing government under which they serve; and, on the other hand, it is highly inexpedient that they should display a spirit of strenuous partisanship in favor of things as they are; inasmuch as it becomes public servants to serve honestly and faithfully whoever may be their official superiors. Circular letters addressed to these officers should be sufficient to accomplish this result without the need of special legislation and the imposition of penalties. Any breach of this strict neutrality should be dealt with as misconduct, warranting dismissal from office.—(See Todd Par. Gov., i, 390.

84. The present system is also stigmatized as bureaucratic; a term meant to express unnecessary officialism radiating from the central authorities. But the point under consideration is whether the best interests of the country are not served by a force of permanent officers appointed by the executive, to administer law and justice in the localities. The mischief arises, if the right of patronage is exercised in a spirit of mere partisanship—when appointments are made as a return for political services, without reference to the ability, knowledge, and fitness of the persons appointed. Now, for the offices under consideration—many of which call for special skill, and others for knowledge of details, which long practice gives—even Americans admit that the so-called "bureaucratic" method is most desirable.—(See Goodnow, vol 2, pp. 12, 13 and 59.)

85. Finally, change is advocated on financial grounds; let officers who are paid by the county be appointed by the county; or, if the counties had the appointment and the payment there would be a great diminution of official expense. As to the first position, tables have been prepared and will be found in the latter part of the report which demonstrate its unsoundness. None of the officials in question are paid by the counties; registrars are paid by those who own and deal in the lands—many of whom are non-residents; the fee paying constituency is by no means co-terminous with the ratepaying or voting inhabitants of the municipality. As to all the other officers in question: the contribution of payments which is derived from the counties is a little over one-sixth of the aggregate receipts; the provincial government contributing about two-sixths, and the parties or litigants directly served paying the other three-sixths. These parties or litigants, of course, live everywhere, in the province and out of the province.

86. As to the second financial ground; it would not be wise to intrust the payment of public officers to the hands of local authorities. Government is proverbially an expensive thing, but the cost of it is only one factor to be considered. To distribute the offices in question among the localities would lead to administration on the lines of a narrow utilitarianism, which, while looking merely to a reduction of cost, would overlook broad and statesmanlike considerations. Each

local area would be self-regarding in the highest degree, and would not feel the responsibility of making contributions of good government to the community as a whole. This has been discussed by one who has much studied the subject, and who, comparing the two systems,(a centralized government paying its functionaries, with an uncentralized government pursuing the same policy), finds the intrinsic advantage in respect of the cost of administration on the side of the former. Where the government is centralized the distribution of the administrative functions is orderly ; it is therefore comparatively easy, without harming the efficiency of the administrative system, to cumulate functions in one and the same functionary ; and since the regularity and comparative simplicity of the system lay it bare to discerning observation and criticism, it is subject to the purifying operation of an intelligent public opinion. Where the government is not centralized the organization of the administrative system is crude and confused. There are no facilities for cumulating functions without damage to its general efficiency, and since its disorderly structure covers it with mystery, it is impervious to the observation and effective censure of the intelligent portion of the general public. In respect of its intrinsic tendencies, such an administrative system, or rather administrative chaos, is a teeming hotbed of profusion and corruption.

87. This passage, condensed from an article by John Austin in the *Edinburgh Review* of January, 1847 (p. 248), is singularly suggestive of the deterioration which ensued in the comparatively uncentralized administration of the American States, and affords generally a warning against leaving our present political methods to seek the elusive remedy of greater economy, by relegating the functions and responsibilities of general government to the multiplying municipalities.

PART II.

Having in the preceding pages set forth some general considerations applicable to the large question of municipal selection of officers, as compared with the system of executive appointment, it is now proposed to offer some details concerning the several offices as found existing in various English-speaking communities. These are to be regarded rather as suggestive than as exhaustive of a subject which admits of indefinite expansion.

Clerk of the Peace.

1. Of the enumerated officials the Clerk of the Peace is historically one of the oldest officers in Ontario, the sheriff being the other. Both were appointed by the Crown in connection with the courts provided in 1788 for the old districts of Western Quebec, and were continued after the setting apart of Upper Canada, as officers and ministers of justice in the new provincial courts. The clerk of the peace was so called because of his having the custody of the records of the courts of sessions of the peace in each district or county. His functions in this line of duty have been continued to the present day, whereas in the United States the name has disappeared, though the corresponding duties are usually discharged by the county clerk—an important officer in that system. The manner of disappearance may be traced by reference to the State of New York. By ordinance of May, 1690, inferior courts of common pleas and courts of general quarter sessions were appointed to be holden in the several counties of the province of New York. These courts of common pleas were called county courts, and the clerks appointed for them by the colonial governors in course of time

acquired the name of county clerks. The same officer was also clerk of the sessions, and he had also, by virtue of his position, the duty of recording deeds as "register." The name of office which prevailed (no doubt from its brevity), was that of "county clerk," and to this day in that state he fulfils the various offices of clerk of all courts held in and for the county, *i.e.*, circuit, oyer and terminer, county court, and court of sessions, and the special term, and is also recorder of deeds. In many states he is clerk or secretary of the county board of supervisors or commissioners. This officer, at first appointed by the governor, was afterwards made elective by the people. In many cases his cumulated duties were divided among other functionaries called clerks of circuit, (or other courts), and register of deeds—all being also elective.

2. In the Canadian system, however, the office of clerk of the peace has been kept intact. Duties at first performed by him were, with the development of institutional life, transferred to the town clerk and to the clerk of the district courts (46 Geo. III., c. 5; 48 Geo. III., c. 14; *Baby* v. *Baby*, 5 U. C. R. 570; the overlapping of functions is noticed by the judges in the tariff framed by them in 1845). And later on the professional character of his services was emphasized, when upon the creation of an office for the public prosecution of crime, the duties of that office were as a rule entrusted to clerks of the peace under the name of county attorney. One necessary qualification for either office is that the person shall be a barrister of three years' standing.

3. It is noticeable also that though the course of municipal reform in England was to a large extent followed in Upper Canada, yet the provisions of the Municipal Corporations Act, 5, 6, Wm. IV., c. 76, s. 103, were not adopted here That section empowered the council of every borough, having a court of quarter sessions, to appoint a clerk of the peace during good behavior. This was an innovation, for prior to this the office of clerk of the peace had appertained to counties and not to boroughs. The change itself was an anomalous one, and it is matter of commendation that Canadian statesmen did not follow that suggestion of change by extending it to the county system of municipal government. It is pointed out in English decisions that the clerk of the peace of a borough, though appointed by the town council, is not an officer of that body—he has no corporate functions to perform; his duties are those of a queen's officer entirely independent of the corporation, and he is not removable by the fluctuating and uncertain decision of a popular assembly for misbehavior in office. (*Reg.* v. *Hayward*, 2 B. and S., 585.) It may further be noted that there has been a different institutional development in England as to the clerk of the peace in counties by the Local Government Act of 1888. A new elected body is thereby created called the "county council," (in this regard, however, anticipated in Upper Canada). The clerk of this body is to be also clerk of the peace, and he is to be appointed by joint committee of the county council and of the justices in quarter sessions assembled, by whom also he may be removed. In amalgamating the offices of clerk of the couty council and clerk of the peace, the British Parliament has done what had been previously done in some states of the American Union, but has made a new departure in the method of appointment. This was doubtless suggested by the new combined office, for under the urban system the town clerk was appointed by the council, (just as in Upper Canada the county clerk was appointed by the county council), and a clerk of the peace was appointed by the *Custos Rotulorum*, and failing that by the justices in quarter sessions. Combine these offices and you naturally combine the appointing powers, hence the joint committee of council and sessions.

4. Altogether there is in Ontario a distinctive home-growth character attached to the present office of clerk of the peace, as coupled with that of county attorney, which may be regarded as an experimental contribution to modern administrative government. In the manner of appointment by the Governor-in-Council to this joint office no change should be made. The office is quasi-judicial, and calls for the exercise of good judgment and sound discretion in its possessor

COUNTY ATTORNEY.

5. This was a new office in Upper Canada, originating in 1857 by the Act for the appointing of county attorneys and for other purposes in relation to the local administration of justice. (20 Vict, c 59.) It was probably suggested by the system of prosecuting attorneys, which had in most of the states of the Union been found to work beneficially in protecting individuals from frivolous or malicious prosecutions, as well as in the prosecution of offenders with greater efficiency where the incentive to private vindication of the criminal law was not strong. France appears to be first in the field in promoting this modern method of public prosecution. Thence it passed to America, then to Canada, and lastly it has appeared in England, where it has been evolved by gradual stages after the fashion of institutional changes in that country. This will appear from the following synopsis of passages from Maitland's "Justice and Police." English law has left the prosecution of criminals very much in the hands of the public. But now a state of transition is reached, and prosecutions are coming more and more under official control. There is hardly yet any one permanent public department charged with a general duty of enforcing by legal proceedings the claims of the Crown or of the executive. But such a department has been slowly coming into existence—that of solicitor to the treasury. Many classes of prosecution are now directed by the treasury solicitor; an assistant of his, or a county solicitor employed by him for the occasion, would attend the magisterial investigation, prepare the evidence for the trial and instruct counsel. In 1879 a measure was passed by which a director of public prosecutions was to be appointed by the home secretary, paid by salary. In 1883 it was enacted that the treasury solicitor should be director of public prosecutions. Subject to regulations, he takes up prosecutions as he thinks fit. He and his staff will see to London cases; but it seems intended that country cases shall be managed by agents, local solicitors, employed for the occasion, and paid by the piece. The choice of counsel is left to the attorney-general. It appears that he is intended to take up cases of difficulty and those in which there is reason to fear a failure of justice, pp. 147, 149. This book, published in 1885, brings the matter down to that date, and so it remains practically to the present day.—(See Porritt, "The Englishman at Home," p. 115, 1893, and 38 Sol. J., p. 801, Oct. 20, 1894.)

6. While the county attorney of Ontario is appointed by the Lieutenant-Governor in Council, the district or prosecuting attorney for the counties of the most of the states of the American Union is elected by the people, whereas the like officer of the national Government, who acts as attorney for the United States in the different federal districts, is appointed for a term of four years by the President and senate. In some states he is appointed by the governor. (American and English Encyclopædia of Law, vol. v., page 714.) In the states as here is a quasi-judicial officer, and stands indifferent between the accused and any private interest.

7. Colonial aptitude for amending the administration of law in advance of the mother country is shown in this very office. In the examination of the law clerk of the treasury before the select Parliamentary Committee on

Fees in 1850, he expressed the opinion that there should be in every county a Crown prosecutor—a man whose independent business should be to look after the administration of criminal justice, and who should be upon a fixed salary.—(Evidence of Richard Hawkins, par. 309.)

SHERIFF.

8. This ancient officer of England was originally elected by the freeholders of the county, (subject, probably, to the royal approbation). But it was found as the inhabitants increased, these elections grew tumultuous, and then the selection was made by the Crown alone. Such was the manner of appointment at the date of colonial establishments in America. Retained in all the British colonies, it has been replaced in the states of the Union by popular election, except in Rhode Island. In "Murfree on Sheriffs," par. 7, New Hampshire is also excepted. This is an error, for by the constitution of that state, art. 70, the sheriff is elected by the inhabitants of the town in the several counties. In Rhode Island the sheriff is elected annually by the General Assembly in Grand Committee, as are also the clerks of the supreme court and the common pleas court for each county.

9. Everywhere the sheriff is an officer of dignity and responsibility He has the customary right of precedence in his county, but apart from all adventitious importance, the shrievality is an office of weighty trust. As put by Mr. Maitland, the sheriff has much to do which requires experience of legal routine. In particular, civil execution, (though less hazardous than it was a few years ago), is still risky work. If a sheriff does not obey a writ, he is liable to be punished in a summary fashion, for the High Court keeps a tight hold over him. Again, he is civilly liable if he does not seize what he ought to seize, or seizes what he ought not to seize, as *e.g.*, the goods of a wrong person, and there are many rules to be observed as to when doors must and when they must not be broken, and so forth. Justice and Police, p. 71. In cases of execution the sheriff is now greatly protected by the provisions made for interpleading, in cases where the goods are claimed by a third party; but he is still the chief executive functionary in the locality, having from the Crown "the custody, keeping and government in some sort of the whole county committed to his charge and care" (Coke). Atkinson says the sheriff's ministerial duties are at once numerous, delicate and important. They consist chiefly of summoning juries for the trial of issues, of attendance upon courts of justice, executing the judgment of those courts, and conducting elections of members of parliament (Sheriff Law, p. 74) Having to keep securely in confinement all prisoners committed to his charge by civil or criminal process, he has for this purpose jurisdiction over the county prisons, and is in effect jailer by virtue of his office.—(Murfree on Sheriffs, para. 40).

10. Under the Municipal Act of 5, 6 Wm. IV., c. 76, s. 61, there is a provision made for the election of sheriff by the town council; but the status of such an officer is not that of the sheriff of a county. The local sheriff is merely tantamount to the city bailiff or high constable; he is not the proper officer to execute process from the superior courts which is to be done by the sheriff of the county; Granger-Hamlin; 3 Scott 393; 3 B. M. 64. This is the general doctrine applicable to all urban sheriffs elected under that Act; they are merely corporate officers.—(Rawlinson Municipal Corpus, p. 262.)

11. As contrasted with the elective method pursued in the several states, let it be observed that in the National Government the United States

marshals, who are neither more or less than federal sheriffs, are appointed by the joint action of the president and senate. These are ministerial officers of the federal courts, conservators of the peace, *quoad* the United States, within the limits of their respective districts.

12. In Canada the Dominion Government has not appointed this class of public officials but has been willing to adopt provincial sheriffs as Dominion officers in the execution of process of the Supreme and Exchequer Courts of Canada. (R. S. Can., cap. 135, ss. 15, 83, 90 and 105.) If sheriffs become merely municipal functionaries, elected by the counties, it is to be considered whether either province or Dominion would be content to accept the appointees of local corporations for provincial or federal purposes—and if not so content, whether the expenses of Government would not be increased by the maintenance of another set of public officers.

13. The condemnation of the elective system, as applied to officers and ministers of justice, is nowhere more incisively put than in the following passage from an American author of repute on constitutional topics: "Take another example of the office being made elective when all theory is against it. The sheriff is as much an agent of the state, as distinguished from local action, as is a federal internal revenue collector, an agent of national as distinguished from state action. In either case to secure a higher efficiency of government, their action is confined to a limited territory." "That officer," the sheriff, is (says one of our clearest writers) "the lieutenant of the governor in a county. He is properly a part of the state, and not of the local or municipal administration. He is the custodian of the peace of the county; it is his duty on order of the governor, or without if the case is urgent, to supress unlawful assemblages, to quell riots and affrays, to arrest and commit to gaol, if need be, those engaged in the disturbance of the public order." Yet the appointment of this officer has, in a majority of the states, been taken from the governor, and he is elected by popular vote in each county; being thus in form a county, but in functions a state officer It is true that this incongruity is in some states lessened by limiting the sheriff to one term of office, or by prohibiting him from holding office for two successive terms. For, to illustrate, let it be supposed that the sheriff is called upon to enforce in his county a measure to which the inhabitants of the county are hostile—will he act with as much vigour when he knows that his remaining in office depends upon his ability to retain the goodwill of the electors of his county, as if he held his office independently of them? Or could he refrain from using his official position and influence to secure a re-election? These are questions which are only in part answered by limiting the term of office. That the system of electing sheriffs and like officers, such as coroners and district attorneys, does weaken executive responsibility is unquestioned—though the responsibility of the governor is very often recognized (as in New York State) by giving him power to remove such officers. (From the "American Citizens' Manual," by Worthington C. Ford, part i., p. 123,) the quotation from the other political writer is from an article by Chas. Nordhoff, in the *N. A. Review*, Oct. '71, a notable paper also commended by Judge Dillon in his book on "Municipal Corporations," p. 32, note 4th Ed., from which a lengthy citation has been already given.

14. From a very different source another quotation may be pertinently introduced here. A peculiarly well-informed observer in New York State wrote recently to the English Howard Association as follows: "Our jails at present are under full control of the sheriffs; and the sheriff in each county is always, or nearly always, the leader of the dominant political faction. He is paid

by fees, and in some counties these fees amount to many thousand dollars a year for each sheriff. So you will at once see that in over 60 counties (in New York State alone) the shrievality forms a powerful political machine, with places that furnish a sufficient income to make it worth the while of unscrupulous and greedy politicians to spend money to get them. Until a national change in the appointment and functions of American sheriffs and justices takes place, there seems to be little prospect of the needful radical improvement in the thousands of ordinary local jails. It is to be particularly observed that the chief officers of the American state prisons, as distinguished from those of the local jails, include many very superior men and women. It may be remarked that in the British colonies, and especially in Canada, Australia and New Zealand, the local jails are in general far superior to the similar class of prisons in the United States." From "Penological and Preventive Principles," by W. Tallack: London, 1889, pp. 95, 96. Let it be said in explanation of the above contrast between local or county gaols, and state prisons, that the former are under the supervision of elective sheriffs—the latter under the control of the superintendent of state prisons, who receives office at the hands of the governor and senate. This appointive officer has the direction of prison affairs and selects the keepers and other assistants therein, and his independent status offers a suggestive contrast to that of the elective local sheriff who seeks to propitiate the popular vote.

Registrar of Deeds.

15. It is remarkable that the general registration of deeds, though it has never gained foothold to any extent in England, has yet prevailed as a universal law in all her American colonies. The advantages of registration are so obvious in a new country that it commended itself, and was adopted at the planting of every settlement. It was one of the earliest laws of the colony of Massachusetts that all mortgages, bargains, sales of land, etc., be recorded, and that the "clerk of every shire court shall enter such grants, with names and dates." (1640). The recorder of deeds was thus early linked officially with the clerk of the records of the court—he being an officer appointed originally by each court.

16. Many attempts were made in England to establish a public registry, of which the most notable was during the Commonwealth. The draft for an Act was published in 1653, attributed to Sir Matthew Hale, providing for the establishment of a county registrar all over England and Wales. His plan was that the justices at the general sessions should provide some convenient place for a registry, and should also name six honest, able and understanding persons to the grand jury, who should, amongst their presentments, give up the names of two of the six, of whom the justices should elect one to be registrar of that county, and in like manner should proceed to elect a new registrar on death or removal.—("Somers' Tracts," vol. vi., p. 91). In 1703 a registry office was set up in the west riding of Yorkshire, and three years afterwards one in the east riding. In 1708 the same provisions as to registry were extended to Middlesex, and again in 1735 to the northern riding of York. In Yorkshire the "register" was elected by ballot of the freeholders; in Middlesex, being at the headquarters of law, it was managed by officers or masters of the courts. In 1884 the offices in Yorkshire were united by the Yorkshire Registry Act of 47-48 Vict., c. 54, by which the county authorities were authorized to legislate by by-laws as to the manner in which the offices should be kept, and were empowered to appoint the registrar, subject to the approval of the Lord Chancellor. The registrar was to be a barrister of seven years' standing, or a deputy officer for five years. Permis-

sion was also given to the local authorities to commute as to the fees received, and pay instead a fixed salary to the registrar. The Middlesex registry was taken over by the Government in 1892, so as to be managed in connection with the officers of the law courts at Westminster. Yorkshire represents the most complete application of the system in England, but it is of merely local scope, and may therefore be properly relegated to the control of local authorities in that county. It was at the first instituted as a means of security for investments, and at the solicitation of the magistrates, who were almost exclusively possessed of the qualification (100 pounds a year) to vote in the election of registrar.—(See Evid. of T. C. Atkinson before the Campbell Commission on Registration in 1830, App. p. 79.)

17. In Ireland and Scotland, however, a complete and effective scheme of registration for the whole country has long been in force, dating in Ireland from 1708 and in Scotland as early as 1617. In Scotland registries were, from the first, localized in counties and boroughs. with a general register at Edinburgh ; and it is optional to register either in the general register for all Scotland or in the particular register for the district where the land lies. In Ireland one office was created in the city of Dublin to serve for all Ireland, the registrar and staff to be appointed by the crown. The Irish plan is thus of an entirely metropolitan or centralized character ; whereas in Scotland, besides the general register at the capital, the statutes have fixed local offices, which are subject to the control of the principal keeper, to whom periodical returns must be made of the several books, and then the whole body of records is preserved at Edinburgh for public inspection and search.—(Evid. of C. Balfour, appendix to second Report of Real Property Commission, 1830.)

18. As to the chronology of this office in Upper Canada, a few references may be made. Since the erection of the registry office in 1795, the registrar was always appointed by the Governor, and his office kept distinct from that of any other branch of localized administration. At first, on account of the scanty population, the registrar was allowed to be the incumbent of other offices. (35 Geo. III., c. 5.) One Hotham is found holding the offices of registrar of deeds, clerk of the peace, clerk of the district court, and registrar of the surrogate (7 Vict., c. 38.) The office was for the county or riding, but afterwards small and sparsely settled counties were united for the purpose of registration. (9 V., c. 34, s. 34.) And again, large counties were subdivided, or separate offices were placed in cities in order to facilitate the transfer of real estate, and to minister to the convenience of the inhabitants. (22 Vict., c. 98, 1858.) This is also the rule in the states of the Union, that in counties where much business is to be done, there is more than one register of deeds.—(Fiske "Civil Government," p. 55.) By the Act of 1846 the registrar was allowed to appoint a deputy, and the hours of attendance were lengthened from 10 to 3. (9 Vict., c. 34.) In 1859 registrars of counties were relieved from disability to practice as attorneys or solicitors. (22 Vict., c. 36.) In an early statute it was provided that if the registrar was not discharging his duties aright he was removable by the Governor on presentment of the grand jury. (9 Vict, c, 34, s. 90.) Now, he and all other provincial officers are subject to government inspection, and are forthwith removable by the appointing power, when circumstances demand and justify this course.

19. The registration of deeds, etc., in Quebec and in the Maritime Provinces of Canada is on much the same footing as in Ontario—a public office for registration being as a rule in each county, with occasional subdivisions when the territory is large and the public interests would be served by readier

facility of access to the office. The plan pursued in Ontario (as in Upper Canada) finds strong sanction in the opinion expressed by the eminent jurist, Wm. Burge, for twelve years Attorney-General of Jamaica. When before the commissioner in 1830, he said: "though one office of registry has been deemed sufficient in the British West India Colonies, as well as in Scotland and Ireland, yet to ensure accuracy in registration, and facility in investigating titles, and to afford easy and cheap reference to it at a trial, there ought always to be a registry office in every county, and in very large counties there should be more than one office. It should be established in the town in which the assizes are held."—(App. p. 42.)

20. Chancellor Kent says that by the statute law of every state in the Union, all deeds and conveyances of land are required to be recorded (4 Com. 456). In some states, as New York, the record is to be made in the office of the clerk of the county (Rev. Stat. Registration pt. ii, c 11, s. 1.) In Wyoming and Colorado the offices of county clerk and registrar are combined. In Illinois there is a clerk of the circuit court, who is *exofficio* registrar of deeds, except in counties where the population is 60,000, and then a separate recorder must be chosen. A like provision exists in Nebraska except that the double office obtains only when the population is over 18,000. In Stimson it is put generally thus:

In all the states there is a land record office in every county, such office is kept by a special officer, called by various names in the different states, *e.g.* the registrar of deeds, or registrar of the county, or the recorder. Or the office may be kept (in other states) by the county clerk, or by the clerk of the superior Court for the county, or by the clerks of other courts, or by the judge of probate. See Stimson American Stat. law 1 p. 216, for the details.

But however the offices of county clerk, clerk of circuit or district courts, and registrar may be combined or separated, the office is an elective one and for a short term of years. The registrar is called a "county officer" and is dependent on the popular vote.

21. In the British Provinces and Ontario he is not so classed, but is a state officer appointed by the chief executive. In the Con. Stat. of Lower Canada the subject of registration is classed under Tit. 7 "Real Property and rights" and not under Tit. 5 which is "Municipal and Rural Matters," and so in the classification of the statutes consolidated or revised, of Ontario.

22. In cases where, as in England, the plan of registration is isolated and peculiar to one county, and therefore of local and limited application, it would appear to be right enough in principle to place the control of the office and officers under the county authorities of the locality, as a strictly municipal affair. But where there is a general system covering all the territory of a province or state, it becomes important to have the whole managed by one uniform system, so that there shall be no local variations as to procedure, fees, salary or responsibility. As pointed out by a witness (Jno. Wilson) before the commissioners of 1830, general registration is beneficial not merely to the local proprietors, but to the whole community; to the latter because more extensive means are afforded for the secure employment of capital, and because litigation will be diminished owing to security of title; thus it tends to improve and strengthen the general credit of the country.—(App. p. 47.)

23. Many writers in the States recognize the fact that the "register" as he is there called (after the old English fashion,) is properly a general public, and not a mere county officer. Thus in Ford's Manual, (a book cited by Mr. Bryce as of authority,) it is said "many of the officers that are found in the minor divisions of the state, such as sheriffs, coroners, registrars of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors or controllers, clerks of

the court, district attorneys, and a large number of others are properly state officers, charged with a performance of a part of the state action, and the nature of their duties is not altered by the fact that they are elected by the inhabitants of the various districts in which they perform their functions."—(Part i, p. 45.) Another writer who has specially studied the subject of civil service in all its aspects, writes, "the keepers of land titles, as distinguished from the keepers of judicial records can in no sense perhaps be regarded as judicial subordinates, yet it seems plain that the same consideration which should govern the selection of the latter should also prevail in the selection of the former." The scope of his argument is that all such officers are not to be chosen by popular vote: (D. B. Eaton in Lalor "Cyclopedia of Political Science," vol. ii., p. 640.)

24. Prejudicial effects from the election of public officers are liable to permeate every part of the service of which they are in charge. Thus it is reported in the English Law Times of Dec. 2nd, 1893, quoting from the report of Mr. W. S. Paine, Superintendent of the Banking Department of New York State (1886), as follows with reference to registration: "The peculiar system of filling civil service appointments in the states opened another grave source of danger. The errors of careless clerks, holding subordinate positions in public offices during the brief reign of political favor, multiplied the defects and imperfections of a system easily liable to inaccuracy. Numerous errors were discovered in the accumulated multitude of indexes, and though in 1855 the Legislature appointed a commission to revise the records, yet many errors have been found in the corrected copies, and no further attempts in this direction seem to have been made since. This unfortunate inaccuracy is said not to be confined to New York County, but prevails in other populous districts, as Syracuse, Rochester and Buffalo."

25. Dissatisfaction has arisen in some counties in Ontario because the expense of repairing and maintaining the offices and vaults needed for registration purposes have been cast upon the county, while no surplus from fees has been received by way of recoupment. In other counties there is an overplus which, going to the municipality, may stand for more than the amount of county outlay. A desirable change would appear to be that the whole registry system should be so managed as to make it self-supporting, and not more than self-supporting. This is what is achieved in the Australian system of Torrens' "registration," and it is aimed at in the Irish statute. Provision is there made for regulating the fees by reducing or varying the amount, from time to time, to be paid, so that no greater fees should be charged than will amount to a sum of money sufficient to discharge the current expenses of the establishment when efficiently appointed (2, 3 Wm. IV., c. 87, s. 35). Some general method of supervision and regulation by the inspector of registry offices, with a view to adjust salaries and expenditures on some uniform basis throughout the different counties would answer all requirements, whether of the private landowners or of the public, represented by the municipality or the province.

26. In this view it would be well to change the management of the registry offices, so that all fees derived from registration, etc., should be applied to meet the compensation and expenses of officers and buildings, and that no surplus revenue should be derived or expected from this source. The management would then need to be in the hands of one body, and that the province, for two reasons: on account of the more efficient and uniform results to be expected from the action of one head, than if each county had autonomous power of control; and also because, in the event of any change being desired in the method of registration, by which titles should be more directly dealt with,

as under the Torrens' plan, such amendment would be more readily introduced under a centralized than under a distributed system.

27. Of all the offices under consideration, this of registrar of deeds is perhaps the one that may with less risk of undesirable results be delegated to county authorities. Yet it cannot be said that any satisfactory reasons have been advanced for such a change; nor does there seem to be any propriety in turning over to municipal bodies one department of public business which is of more than local moment.

Courts: Their Clerks and Officers.

28. The other officers to be considered may be treated of under the above comprehensive heading of courts, their clerks and officers. Apart from the officers of the lowest court, (the Division Court clerks and bailiffs,) the functions of other court clerks are in nearly all systems of English jurisprudence considerably interwoven.

Thus in Ontario the clerk of the County Court is also, by statute, deputy clerk of the Crown and Pleas in the High Court, and registrar of the Surrogate Court, in the county; and he is also, (if the county judge is local master,) deputy registrar—an office originally pertaining to the Court of Chancery. The local master is deputy registrar in all cases where the office of local master has not been consolidated with that of the judge of the County Court.

In cases where the offices of deputy clerk of the Crown and deputy registrar are held by the same person, he is styled local registrar. The registrar of the surrogate may be held by a distinct officer in all cases where the compensation of the clerk of the County Court and deputy clerk of the Crown (or local registrar) amounts to $1,600 per year.

In the county of York, it is to be noted, that the office of the clerk of the peace is distinct from that of the county attorney; and the office of clerk of the County Court, as well as that of registrar of the Surrogate Court, is distinct from that of the clerk of the Crown and Pleas.

29. There is in England the same plan of utilizing the registrar of the County Court, (a local organization as here,), by making that officer also district registrar of the Supreme Court for the locality, as provided by the Judicature Act of 1873, s. 60. These officers are all appointed by the judges in England.

30. In the American States the manner of combining the offices varies in the different states. Thus in New York state the county clerk is also clerk of all the courts held in and for the county, *i.e.*, Circuit, Oyer and Terminer, County Court and Court of Sessions and the Special Term; or in other words, he is clerk of the County Court and of the Superior Courts in the counties. In California the county clerk (who is elected for two years) acts as clerk of the Board of Supervisors, and as clerk of the District, County and Probate Courts, and attends Judge's Chambers. Deering's Code, para.; ss. 4,109 and 4,204.

31. In the National Courts of the United States it is noteworthy that the clerks are appointed by the judges; whereas in the courts of the different states the elective method by the people is the general rule, although in some cases as to the Supreme Court of the states the right of appointment to the clerkship is with the judges.

In the Supreme Court of the United States and the Circuit Courts, (Federal Courts in each of the nine great circuits into which the United States is now divided,) and in the District Courts of the United States, (which are now 65 in

number), the clerks are appointed by the several courts, except that the clerk of the District Court is *ex officio* clerk of the Circuit Court in each district. All the Circuit Courts of the United States have the appointment of their own clerks—the circuit and district judges concurring; in case of disagreement, the appointment is to be by the associate justice of the Supreme Court. (Kent Com., vol. i, 300, 308.)

Contrast with this the action of (*e.g.*) the state of Massachusetts. By the constitution of that commonwealth as originally established, it was provided that registrars of probate should be nominated and appointed by the governor, with the advice and consent of the council. That was superseded by the 19th article of the amended constitution, which requires the Legislatures to prescribe general laws for the election by the people of registrars of probate, as well as clerks of the courts of common law in each county.—See "Opinions of the Judges," 117 Mass. 104 (1875). But in this state there is an exception as to masters in Chancery; those are appointed by the governor, with the advice of the council, to hold office for five years and to be paid by fees.—(Pub. Stat. of 1882, c. 159, ss. 46 and 48.) There is also another singular exception in Massachusetts, that while clerks of the Supreme Court and Superior Courts are elected by the voters of the county, yet clerks of the Police and District Courts in the county are appointed by the governor, with the advice of the council. This District Court like our Division Court, is an inferior court and extends over part only of a county.—See *Com.* v. *Thatcher*; 121 Mass. 65 (1876) and Mass. Pub. Stat. 1882, c. 154.

32. A quotation from the 2nd edition of Todd may suffice as to the English and Irish practice. It is said "subordinate offices of the superior courts of justice in England are in the gift of the heads of the several courts, to whom such officers are responsible for their proper conduct. A different practice prevailed in Ireland, where, by ancient prerogative of the Crown, certain of these appointments were conferred by the Lord Lieutenant. But in 1871 this judicial patronage was conferred upon the judges, save only that the junior clerkships in the courts are now filled up by open competition."—(Spencer Walpole's Ed., vol. i, p. 168.)

Local officers of the Supreme Court in England are all appointed by the judges, and receive fixed salaries, all fees collected by them being funded. Justice Act of 1875, s. 26, and Judicature Offices' Act of 1879, s. 15.

33. The Division Court was called at first the Court of Requests, which suggests its English derivation. The Court of Requests was the English local name of many borough civil courts, the origin of which rested on ancient charter or custom. These courts were under the headship of municipal judges locally elected, and were courts of petty jurisdiction, some of which were confined to suits where the debt or damage claimed did not exceed forty shillings. These domestic courts were continued by the Municipal Act, 56 Wm. IV, c. 76, with somewhat enlarged and more uniform jurisdiction. By the terms of that Act the town council was to appoint the judge and the registrar of the local court, except when the town clerk acted in that capacity. And the council was also to appoint such other officers and servants as were necessary for carrying on the business and executing the proceedings of the court. It was at that time anticipated that there would be a revival of local judicial institutions, (which had fallen into abeyance), but the creation soon after of the new County Courts by 9, 10 Vict., c. 95, with their more comprehensive jurisdiction and their moderate expense, practically superseded the old borough civil court.—Vine's English Municipal Institutions p. 187-8.

A few of these courts survive, and to them apply the provisions of the Consolidated English Act relating to municipal corporations, 45, 46 Vict., c. 50 (1882). By that statute the inhabitants of a borough, (*i.e.* a city or town to which the Act applies,) may elect a borough council, and this council may appoint a registrar and other officer of the borough civil court (s. 170)

This old-fashioned plan of local borough courts was transferred to the New England and New York settlements in the early days of colonization, and became the origin of their local courts with a jurisdiction coextensive with the territorial limits of the town.

34. Changes were made in the headship after the introduction of this local court into Upper Canada. The old Court of Requests was held by two or more justices of the peace. (32 Geo. III, c 6.) The jurisdiction was extended up to £5 currency in 1816 (56 Geo. III, c. 5), and in 1833 the court was put under the presidency of two or more commissioners appointed by the Lieutenant-Governor. (3 Wm. IV, c. 1) These officers were to appoint and remove the clerk of the court, and also the bailiff. After this came the final change as to judgeship in 1841, when it was enacted that the judge of the district court should also be judge of the (then) Division Court. (4 and 5 Vict. c. 3) The judge was thereafter to appoint the clerk and bailiffs of the court (*Ib.* sec. 7.) So this continued till 1880 when these appointments were vested in the Lieutenant-Governor in Council (43 Vict., c. 3, s. 33.) In Canada the judges of all courts, high and low, are appointed by the Crown ; whereas in the States of the Union they are as a rule elected by popular constituencies of greater or less magnitude.

35. But the American method is reprehensible, even as to the lowest local courts, for the functions of these courts are not really within the circumscription of matters municipal, but are of public moment as agencies of the state. The matter from the American point of view is treated by the Chief Justice of Michigan (Campbell, C. J.), in The *People* v. *Hurlburt*, 24 Mich., 83, (1871). "The confusion existing on this subject," he says, "has arisen from the custom prevalent under all free governments of localizing all matters of public management as far as possible, and of making use of local corporate agencies whenever it can be done profitably, not only in local government, when it is required by clear constitutional provision, but also for the purposes of state. Thus the whole machinery of civil and criminal justice has been so generally confided to local agencies, that it is not strange if it has sometimes been considered of local concern. But there is a clear distinction in principle between what concerns the state, and that which does not concern more than one locality. . . The preservation of peace has always been regarded both in England and America as one of the most important prerogatives of the state. It is not the peace of the city or of the county, but the peace of the king or state, that is violated by crimes or disorders. The prosecution is on behalf of the state. The trial is before the tribunals created and regulated by the state. The remission of punishment is by the governor of the state."

36. From the English point of view the matter is luminously presented by John Stuart Mill: "Of all officers of Government those in whose appointment any participation of popular suffrage is the most objectionable are judicial officers. While there were no functionaries whose special and professional qualifications the popular judgment is less fitted to estimate, there were none in whose case absolute impartiality and freedom from connection with politicians or sections of politicians are of anything like equal importance."—P. 106, "Representative Government."

And further he says, "Among the duties classed as local, or performed by local functionaries, are many which might with equal propriety be termed national, being the share belonging to the locality of some branch of the public administration, in the efficiency of which the whole nation is alike interested; the gaols for instance, most of which in this country are under county management; the local police; the local administration of justice, much of which, especially in corporate towns, is performed by officers elected by the locality and paid for from local funds. None of them can be said to be matters of local as distinguished from national importance. It would not be a matter personally indifferent to the rest of the country if any part of it became a nest of robbers, or a focus of demoralization owing to the maladministration of its police; or if, through the bad regulations of its gaol, the punishment which the courts of justice intended to inflict on the criminals confined therein, (who might have come from or committed their offence in any other district,) might be doubled in intensity or lessened to practical impunity. The points, moreover, which constitute good management of these things are the same everywhere; there is no good reason why police, gaols, or the administration of justice should be differently managed in one part of the kingdom and in another; while there is great peril that in things so important, and to which the most instructed minds available to the state are not more than adequate, the lower average of capacities which alone can be counted on for the service of the localities, might commit errors of such magnitude as to be a serious blot upon the general administration of the country. Security of person and of property, and equal justice between individuals, are the first needs of society and the primary ends of government; if these things can be left to any responsibility below the highest, there is nothing except war and treaties which require a general government at all. Whatever are the best arrangements for securing these primary objects should be made universally obligatory, and to secure their enforcement, should be placed under central superintendence."—*Ib.* 117.

37. At one period in the development of institutions there is found in Upper Canada the establishment of the local elective court. Thus in 1834 a court of record was given to Toronto, to be called the Mayor's Court of the city of Toronto, in which the mayor was to preside and the clerk of the council was to be clerk of the court (4 Wm. IV. c. 23, s. 80). But this judicial experiment did not take root, and after twelve years it was superseded by the Recorder's Court, with appointive head, (9 Vict., c. 70). These Recorder's Courts ceased in 1888-9 when by statute all their jurisdiction was transferred to the county judge, 32 Vict., c. 6, s. 10.

38. As distinguished from England, we have a distinctive system of local courts, (of lower grade than the English County Court), presided over by judges of legal capacity and experience, as to the essential constitution of which no change is contemplated. As to any change in the selection of clerks and bailiffs, if it were a question of reverting to the old method of the judges making the choice, as opposed to appointment or selection by the local bodies, the former is more conformable to modern English precedent. Here there is no doubt the complication that the judges are appointed by the Dominion, while officers of the courts are under provincial control; though this probably would not be a serious objection to restore the appointment of clerk to the judge of the County Court—with the approbation of the Governor-in-Council. Consequent upon this change the appointment of bailiffs might be left in the hands of the clerk, with the approval of the county judge. The only reason urged for such a change as this is the removal of some petty patronage from the hands of the

Government, for it is not suggested that any better officials would be obtained. In support of the present system the opinion expressed by the law clerk of the English treasury upon the select committee of Parliament in 1849 may be cited. He thought that the appointment of clerks of the County Court should be vested in the Secretary of State, and not in the judge, and said, "it does not work well generally because we have found that some inefficient and improper persons have been appointed, (*e.g.* by the judge)."—Q. 161.

39. No sufficient ground appears for handing over these offices to be filled by the municipalities. Any method of election would be attended with considerable expense relatively to the small revenues derived from the office. This expense would of course be obviated if the appointment were in the hands of the township council; but what likelihood in either event that the offices would be better manned or managed than if things remain as they are? Few complaints are made, and it appears that when complaints are made they are promptly investigated and if need be appropriate remedies applied by the provincial inspector.

40. Except as to judge's salary, (which is, however, payable to him as judge of the County Court,) the Division Court is self-supporting. That is, the clerks and bailiffs receive no more than the amount of fees collected by them as provided by law. This it appears is the general rule in the case of Justice's Courts in the United States on their civil side—(Cooley on Taxation p 32 note).

41. The County Court in Ontario is an intermediate court analogous to the County Court in England. The characteristics of the English Court may here find a convenient place. The judge is appointed by the Lord Chancellor and must be a barrister of at least seven years' standing. The registrar is a solicitor of five years' standing, and is appointed by the judge with the approval of the Lord Chancellor. In populous districts there may be two registrars to execute the office jointly. It is not an inferior court, properly speaking, because it is a court of record and is regulated by statutory jurisdiction, (Ingor. Prac., p. 2).—The same status has been accorded to this court in Upper Canada *re* Lapenotiere, 2 U. C. R. 497.

42. The expense of maintaining the new County Court in England at first was borne wholly by the suitors, but it is now paid out of the public treasury, except the salaries of the ministerial officers which are paid out of the produce of the fees of the court; any deficiency has to be provided by parliamentary vote. 19, 20 Vict., c. 108 and 51, 2 Vict., c. 93.—(The latter being the Consolidated Act relating to County Courts).

The salary of the registrar is graded according to the number of plaints entered in the particular court. If they do not exceed 200, the salary for that year will be £100; over two hundred, the salary is increased by sums of £4 for every 25 additional plaints up to 6,000. Such salaries include all outlay to clerks employed by the registrars. If the plaints exceed 6,000 the salary is fixed by the treasury, but in no case to exceed £700 a year, exclusive of clerks' salaries and office expenses allowed. (51-2 Vict., c. 43, s. 45).

In cases where the Lord Chancellor is of opinion that the whole time of the registrar should be given to public service, on account of the large amount of business, or of the union of the registrar's office with that of the district registrar of the High Court, or the district probate registrar, or any other public office, then he is not to practice, and a salary will be assigned for all his offices not exceeding £1,400 a year: *Ib.* The salary of the judge of a County Court is now £1,500 a year, besides an allowance for travelling expenses.

In certain cases the registrar may act as high bailiff of the court and for this receives an addition of one-fifth of his own salary as registrar by way of remuneration.

The high bailiff is appointed by the judge and is paid by salary, or partly by salary and partly by allowances for the execution of process, and for mileage and possession money.—See "Heywood's County Court Prac., 1894," pp. 12, 19.

43. In the American legal system as it exists in the states, the most remarkable feature is what Woodrow Wilson terms the "local attachment" of the courts. That is all judges and curial officers are elected by the people of the locality, whereby the responsibility is chiefly a responsibility to the electors who form their constituency. There are usually four grades of jurisdiction with corresponding grades of courts in the states system:

(1) Justices of the peace with jurisdiction over petty police offences, and over civil claims for small sums.

(2) County or Municipal Courts holding appeal from justices, and with original jurisdiction one step higher, *i.e.* over civil cases for considerable sums, and over crime not of the gravest character.

(3) Superior Courts; hearing appeals from the County and Municipal Courts and of high original jurisdiction of general character, civil and criminal. These are general courts for the state; the former are inferior sitting for certain counties or districts. The Superior Court sits at several places in succession, and hence is called in many states Circuit Courts.

(4) Supreme Courts, which in most states have only an appellate jurisdiction from the Superior Courts.—See "The State," by Wilson, paragraphs 943-948.

Besides these there is generally found a local Probate Court charged with testamentary matters, administration of estates and appointment of guardians to infants. In Michigan the judge of Probate, elected by the people, may be authorized by the Board of Supervisors for the county to appoint a Probate registrar who is to be paid an annual salary and not by fees.—"Howell Statistics," paragraph 535.

In New York State one Surrogate may be elected in counties of over 40,000 population, but under 45,000 the county judge, also elected, becomes the Surrogate.

Perhaps the following conspectus of the judiciary system in the "Empire State," New York, will give the best general notion of the gradation of courts and jurisdiction:

I. Justice's Court: Held by Justices of the Peace elected, jurisdiction up to $200.

II. County " 1. County Court: Jurisdiction up to $1,000; appeals from Justice's Court.
2. Sessions.

III. Superior " 1. Circuit.
2. Oyer & Terminer.
3. Special Term, hears appeals from County Court.
4. General Term, hears appeals from Special Term.

IV. Court of Appeals: Highest, with only appellate jurisdiction.

There are forty-six justices of the Superior Court elected for fourteen years, with salary of $6,000 and allowance for expenses. The elected county clerk is the local clerk of the Superior Court and of the County Court.

There are seven judges of the Court of Appeal elected for 14 years, with salary of $10,000, and for the chief an addition of $500. This Court appoints its own clerk and reporter.

License Commissioners.

44. These officers were not specifically mentioned in the list of names set forth by the commissioners in the circular letters sent and questions submitted by them, but in many instances reference has been made to this class of officers, and suggestions made for a change in the method of selecting them. At present the whole matter rests with the Provincial Executive, who appoint of their own motion to this honorary position.

This point has not been reached without much remarkable variation of practice in the province; and in other countries much diversity of method is manifested in administering this branch of public affairs.

45. Some objection is made to the present mode in Ontario because of the alleged interference of the commissioners in provincial politics, and if such be the fact, unquestionably some stringent prohibitory remedy should be applied. The words of Daniel Webster in a like connection have lost none of their weight by lapse of time. He said "office holders by their very situation, their public station, their connection with the business of individuals, their activity, their ability to help or to hurt according to their pleasure, their acquaintance with public affairs, and their zeal and devotion exercise a degree of influence out of all proportion to their numbers."—"Works," vol. iv., p. 184.

46. In England, notwithstanding the general transfer of administrative power in 1888 from justices of the peace to county authorities, the licensing function, as being semi-judicial, is left in most cases with the magistrates. In the Government of Victoria (Australia), the granting of liquor licenses is within the jurisdiction of a specially constituted system of "licensing courts."—"Licensing Act of 1890," para. 79-84; Jenks Victoria, p. 335.

47. In the United States of America the provisions of the different state statutes, as to the authorities in whom the power to grant liquor licenses shall be vested, exhibit, as might be expected, a considerable difference of plan and policy. But speaking generally, the duty is confided either to the Board of Commissioners or supervisors of the county, to the County Court, to the Probate judge, to the council or board of aldermen of a city, or to a board of excise specially created for the purpose; s. 154, "Black on Liquors." The Board of Commissioners is usually composed of three persons elected for each county, who exercise corporate power in the management of county affairs. The Board of Supervisors are clothed with like powers, but are differently constituted, being chosen, not by the county at large, but by each township, city and village in the county electing one supervisor. This board corresponds to our county councils.

48. In Upper Canada the English system was partly introduced by giving the justices of the peace in quarter sessions authority to regulate the duties to be paid for licenses (59 Geo. III. c. 2, 1818). And in 1840 one of the last acts of the separate province of Upper Canada was to give the whole power of granting licenses to innkeepers for the sale of liquor to the magistrates so assembled (3 Vict. c. 20).

In 1850 it was declared by the Legislature to be expedient to vest in municipal authorities the power of fixing the number of taverns, etc., and of prescribing the conditions on which licenses to keep the same should be obtained and duty paid thereon, and power was granted to make by-laws in respect thereof.

It was then provided that at the annual election of councillors in each township three inspectors of houses of public entertainment should be elected, and in each ward of a township or city one inspector (13, 14 Vict. c. 65, s. 5 ; see 16 Vict. c. 184.) Upon the certificate of these inspectors, licenses were to be issued.

Another change was made in 1857, by which inspectors of houses of public entertainment were no longer to be elected by the people, but were to be appointed by the council of each municipality for each year (20 Vict. c. 70).

Then after Confederation, the Act of 1860 provided for the council of every township, town and incorporated village, and the commissioners of police in cities, passing by-laws for the annual appointing of one or more persons to be inspectors of licenses, upon whose favorable report the license was granted (32 Vict. c. 32, ss. 6, 12, and see Act of Canada 29, 30 Vict. c. 51, s. 262). Next the transfer of authority was made in 1876, whereby all power and duties imposed on the commissioner of police and municipal council were to belong to and be exercised by a Board of License Commissioners composed of three persons to be appointed by the Lieutenant-Governor in Council in each city, county, etc. Upon the discretion of this Board depends the granting or refusing all applications for liquor licenses (39 Vict. c. 26). And so stands the law till this day (R. S. Act, 1887, c. 194, s. 3, etc).

49. A prominent political leader has advocated the adoption of a mixed method, by which the license commissioners be elected by the people in the cities, and be appointed by the council in the counties. This is a return to discarded expedients which would not be likely to yield results so uniformly good as if the commissioners were not so directly in contact with varying phases of popular opinion. An appointive body is in every way preferable, and, while a concession may be made to municipal opinion and interests, by giving place on the board to one who shall be a nominee of the warden or mayor, it is not desirable to place the balance of power in the local body. The state is more interested than any one locality in the proper regulation and enforcement of the liquor laws ; for drunkenness as productive of disorder and crime is a source of expense to the whole community, and general habits of temperance are of the utmost value to all the inhabitants. These and like considerations point to the conclusion that the whole liquor and license system, whether prohibition prevails or regulated traffic, is a matter over-lapping the local areas of municipal supervision. It is not trenching on the true limits of local self-government if the administration of the system be shared in and controlled by authorities other than local in some such way as is suggested. Mr. Bryce refers to Boston as presenting a "remarkable instance" of control by a board under a state statute of 1885, by which the police department, and the power to license, regulate and restrain the sale of liquors, is entrusted to three persons appointed for five years by the Governor and council—both political parties being represented on the board (i. 599).

50. The selection of persons for this board, whether as to business or political relations, should be such as to afford the best guarantees for the resolute and impartial administration of their trust.

PART III.

Fees.

1. The second main division of the subject submitted relates to fees, or compensation to the various officers. The matter being agitated is not the abolition of fees, but the application of them to defray official and other expenses. All the officers in question may be classed under the general head of the administration of judicial affairs, with the exception of that as to the registration of documents of title. Now, it is obviously right that those who call for the registration of papers should be called upon to pay for that service. This is the only branch of public business under discussion which, as a whole, can fully compensate the officials, yielding, as it does, a more ample return than is required to render the department self-supporting.

2. As to the expenses of the civil courts, the general proposition is now established that it is right to exact some contribution from litigants to meet this charge on the public funds. Eminent judges and jurists have advocated the abolition of all fees—calling them disguised taxes on the administration of justice. Thus the Bentham school has maintained that suitors ought not to be compelled by the payment of fees to contribute to the salaries of the officers of court, and that the whole official expense ought to be paid by the country at large. The discussion for the present century at all events was brought to a close in England in 1837, when the contestants joined issue in the House of Lords. Lord Langdale advocated the sweeping change by which all fees should be abolished; but against him prevailed the contrary opinions of the Lord Chancellor (Cottenham) and the Lord Chief Justice (Denman.) The latter asked, "Is all litigation *bona fide?* Are you not to have the means of punishing vexatious litigation by imposing costs?" And the former asked, "Is it not just to make him who sets the machinery of the law in motion for his own benefit contribute to the cost of it?"—See Hardy's "Life of Lord Langdale," vol. ii., p. 8.

3. So the matter has been practically settled on an equitable basis that the Government should pay the salaries of the judges, and that as to the salaries of subordinate ministers of justice, and other official expenses, they should be defrayed in part by revenue derived from fees, and in part by the general Government.

4. This appears to be a well-founded and just conclusion, because apart from the particular and individual advantages accruing from the regulation of property and the protection of private rights, the whole commonwealth benefits by the supremacy of law which ensures public order and peace.

5. The expenses of criminal justice cannot, of course, be defrayed by these prosecuted by the state, so that these charges in their entirety fall upon the public, and are usually apportioned equitably between the state and the municipality wherein the crime occurs or is prosecuted.

6. Lord Langdale forcibly urged that all persons engaged in the administration of justice should be paid by salaries, and not by fees, but his scheme contemplated doing away with fees altogether.—"Life," by Hardy, ii. 38.

7. It is to be conceded that this payment by salaries is a sound principle when confined to judges and judicial officers, yet, so far as ministerial officers are concerned, other considerations arise, which have induced a general practice favoring the receipt of fees for services rendered. The mistake of allow-

ing officers of justice, whose duties are discretionary, to profit by fees is sure to lead to manifold abuses. A sound ordinance is embodied in the constitution of the state of New York, that no judicial officer, except justices of the peace, shall receive for his own use any fees or perquisites of office: Art. VI. 21 (1846.) And it would be well if even the exception could be omitted.

8. One reason for paying ministerial officers by fees is that of stimulating to diligent exertion; for, as Lord Langdale admitted, "A man's pecuniary interest presses upon him so constantly and steadily throughout his whole life, that in the end it must have a very great and powerful influence." "Life," ii. 230.

9. The question of salary out of fees, as opposed to fees *simpliciter*, was before the bench of Canadian judges in 1845, when our practice was being shaped, and the fees to be taken by district officers, (sheriffs, coroners, clerks of the peace, constables, and criers), was being settled by appropriate tariff. In some districts clerks of the peace had been paid, (without legal authorization,) fixed salaries in lieu of fees. The chief justice (Robinson), and the other judges, (Macauley, Jones, M'Lean and Hagerman) thus stated their united opinion: In considering the probable advantages and disadvantages of such a mode of remuneration, it seems to the judges, on the one hand it would save the justices and the district councils much trouble, as well as the officer himself, and it would relieve the latter from the imputation of multiplying services unnecessarily in order to accumulate fees; but on the other hand it is to be considered that where the business of a public office consists of a multitude of small duties, some of them very troublesome in their nature, the best security for their being duly performed is to give the inducement of a distinct remuneration for every distinct act of service. And as it seems under the present system, some difficulty has arisen in consequence of the clerk of the peace claiming the right to perform certain services, which it is concluded rest now with the clerk of the district council, the judges apprehend that if a fixed salary were to be substituted for all fees, there might then be a struggle in the opposite direction, and there might possibly be found a disposition in some of the clerks of the peace to leave to the clerks of the district councils the performance of some duties which are not clearly within their province. This was printed at the head of the tariff of fees established by the judges under 8 Vict., c. 38 (M. T. 9 Vict. 1845.) First published in 1845, it was again printed in 1865, with the modified tariff of that year.

10. The sound principles underlying the fee system, and its proper limitations, are well touched upon by Jeremy Bentham. Thus he writes in the "Rationals of Judicial Evidence." "It is only in so far as it may be in a man's power to multiply fees, by multiplying occasions for fees, that the principal reason for the abolition of fees has place. In other respects, it is of use that reward should keep pace as close as possible with service. The closer it keeps pace with service, the more it sweetens service; and alacrity, instead of disgust, is the result. Under a salary it is a man's interest to be as idle and negligent as he can venture to be, as he can be without subjecting himself to punishment."—Works, vol. vii, p. 339, note. He again points out that by fees the reward is exactly and directly in the proportion to the service performed, and repeats that when reward, instead of being bestowed in a lump, follows each successive portion of labor, the idea of labor becomes associated with pleasure instead of pain. *Ib.* ii. vol. 239.

11. Compare the opinion of Lord Brougham, in which he would draw the line between salaries and fees in this direction: "These officers may be

made dependent on fees altogether, where the multiplication of the fees shall not depend on their own discretion." Speech in 1831 quoted in Bentham Works, vol. v. p. 590.

12. The practical evolution of the fee system may be traced through the following stages: First, the, (so to speak,) primitive state of fees being attached to the different items of service, and then taken by the official for his own use without any accounting.

Second. It being surmised that overmuch is thus obtained by the officer, (as population or work increases,) he is required to keep accounts, accessible to audit, or to make sworn or otherwise verified returns to the authorities as to how much is charged or collected.

Third. Then based on such accounts or returns, there is ascertained a fixed or variable sum out of the total fees which may be retained by way of salary, while the residue is to be turned over to the public use.

Fourth. Then the final stage is reached by means of comprehensive legislation whereby salaries are graded, (usually on a basis of population,) and the entire of the fees is paid over periodically by the officer, who then becomes a collector for the public authorities, central or municipal.

13. When the office is small and unimportant, not occupying all the time, and not yielding enough fees to maintain the officer, it is the usual practice to allow him to take all the fees. It is only when the receipt of fees amounts up in the larger and more important offices to a total which would be an excessive compensation to the receiver—having regard to the average standard of living and other circumstances, such as the responsibility of the officer—that it becomes desirable to regulate or fund.

14. In England the salary stage is pretty generally reached, but it is not of much assistance to draw from the figures thus found, as the scale of remuneration is much larger than that paid or received for corresponding services in this continent.

15. The manner of grading salaries in the English county courts according to the volume of work, has been already set forth in sufficient detail. But in regard to the high sheriffs of counties and their deputies, England is yet in the first stage, and is only awaking to the need of some better adjustment. According to a report of the select committee of the House of Lords, appointed to report on such fees and profits, it appears that large profits are made by the undersheriffs in Lancashire, Yorkshire, Glamorganshire and the county of London ; and smaller sums in other counties, varying from about £400 down to £5 per year. Many of the witnesses were of opinion that the office ought to be a salaried one under the Crown.—38 Sol. J., 621 for July 14, 1894.

16. But the most instructive illustrations are to be drawn from the experience of the States of the American Union. The primitive plan is noted by De Toqueville, writing in 1830, in these words: "In general the American system is not to grant a fixed salary to its functionaries. Every service has its price, and they are remunerated in proportion to what they have done." Even so late as 1890, it is said in a well-known American text book that a great majority of purely ministerial officers are compensated by fees payable by each individual who requires their services.—"Mechem on Public Officers," par. 681. As to clerks of State Courts: the statement is made in the current American and English Encyclopædias of Law, vol. 19, p. 562, that clerks of courts are usually compensated for their services by fees allowed by law for each designated act or service, though in some instances they are paid by fixed salary. In England the rule is to pay all clerks of courts by fixed salaries, as already stated. In the

Federal Courts of the United States, district attorneys and marshals have salaries of $200 a year and the fees received in judicial proceedings as fixed by law, limited however to a maximum compensation of $6,000 a year. In the Supreme Court of the United States the late clerk (Middleton) received an income of about $50,000 from fees, as it was reckoned The chief justice received $10,500 and the other justices $10,000 a year. But a disagreement arose among the clerical officers which occasioned an investigation, with the result that the pay of the clerk was cut down to $6,000 a year. This is paid out of the fees, the remainder being turned into the treasury.—Alb. L. J., vol. 49, p. 179. The clerks of the United States courts are appointed by the judges, and are paid by fees, limited to $3,500 a year, except in the Pacific States where the limit is $7,000.—A. R. Spafford in ii. Lalor Cyclop. 664.

17. Though there is no uniform characteristic system of official returns of fees collected, (as in Ontario,) whereby the amounts received by the different officers can be ascertained from year to year,—yet there has been in the States generally a growing suspicion that fee-paid officials have been in the receipt of great if not exorbitant gain. This is manifested in the older states by placing legislative limits on the receipts taken by the officer, and in the newer states by elaborate provision at the outset for payment of salaries out of the fees. Thus Michigan is in a transition state; the sheriffs of counties are paid by fees of which no account is required, and so in many counties are registers of deeds. County clerks are paid partly by salary and partly by fees of which no account is called for. County attorneys on paid salaries fixed by the board of supervisors; so also are probate registrars. Whereas in Indiana the legislature of 1891 requires all officers to make sworn reports of all fees collected, and to pay over what is collected to the county treasurer; then certain county officers, such as clerks of Circuit Courts, recorders and sheriffs, are to receive the compensation specified for the counties *seriatim*, which is graded in proportion to the population and the necessary services required in each county, and no other compensation whatever. As contrasted with these county officers, prosecuting attorneys in Indiana, though elected by the people are paid salaries out of state funds. The salary fixed is $500, "and also the fees now allowed by law."—Gen. Laws of 1891, p. 426-17. Again in New Hampshire clerks of court and registers are paid by fees as to which it appears that no returns are called for. Sheriffs are paid in part by fees and in part by fixed salaries differing in amount for each county. Solicitors of counties are paid salaries fixed by statute, as are registrars of probate; the former, however, out of the county treasury; the latter out of the state treasury.—See Public Laws of 1891, cap. 286.

18. Then take, as an example of the most advanced stage of development, the state of California, where the officers of a county are a sheriff, a county clerk, an auditor, a recorder, a tax collector, a district attorney, an assessor, and a treasurer. Then comes a classification of all the counties of the state, based on population in 48 divisions, and salaries fixed on that footing. Thus the 8th class county contains a population of 20,000 and under 21,000, and salaries are as follows: county clerk $3,000; sheriff $7,000; recorder $3,200; treasurer $2,500; district attorney $2,000; assessor $6,500; tax collector $750. And the 45th class county has a population of 3,000 and under 4,000, and salaries are: county clerk $1,500; sheriff $3,000; recorder $800; treasurer $1,000; assessor $1,500; collector $500, and district attorney $1,200.—Deering's Code, ss. 162-210.

19. In Pennsylvania, by the constitution of 1874, it was ordained that in counties having over 150,000 inhabitants all county officers should be paid by salary.

By legislation in 1876 the salary principle was extended to counties between 100,000 and 150,000 population. From that time in all counties having a population under 100,000 the county officers are paid by the receipt of fees as itemized by statute. As a sample of the salaries in counties over 150,000 and under 250,000 inhabitants, the district attorney draws $4,000, the sheriff $6,500, the recorder of deeds $3,500, the clerk of court $3,500, the registrar of wills and *ex-officio* clerk of Orphans' Court $3,500. In counties of 100,000 the rates are lower, and as follows: District attorney, $3,000; sheriff, $4,000; recorder of deeds, $3,000; clerk of Orphans' Court, $2,000; registrar of wills, $2,500; clerk of quarter sessions and oyer and terminer, $2,000; prothonotary (of Ct.), $3,000.

If the register of wills and clerk of Orphans' Court are held by same person $3,000.

If clerk of quarter sessions and of Orphans' Court are held by the same, person, $2,500.

20. The process of transition from fees to salary is well exhibited in the legislation of Arkansas: In the laws of 1889 the following officers are allowed to receive fees; clerk of the Supreme Court, and clerks of the Circuit Courts and of County and Probate Courts, and also recorder of deeds, and sheriffs. These officers are all required to enter all fees, and make sworn returns thereof to the judge of the Circuit Court of the county.

But in 1893 we find provision is made for the payment of salaries to some of the officers in the larger and more populous counties. Thus in Sabastian county, (the population in 1890 being 33,200), the clerks of the Circuit and County Courts are to be paid a salary of $3,500 a year, out of which is to be paid all deputies and assistants. So in that county the sheriff is to get $3,500 per year and to pay his deputy and assistants thereout. Again in 1891 in Washington county, (population 32,024,) the County Court clerk and the Circuit Court clerk is to receive $1,500 as yearly salary, and the sheriff $1,500. As to the sheriff, this is supplemented in 1893 by a direction that the Circuit Court is to be at liberty to allow him $500 to pay for the services of a deputy.

And as to Benton county (population 27,716), in 1893 it is enacted that when the fees and emoluments of the county clerk in any one year shall reach $1,500, and when the fees of the clerk of the Circuit Court shall reach the sum of $1,800, all fees and emoluments that by law accrue to the clerk in that year in excess of the sum mentioned shall be paid by the officers into the treasury of the county. Similar provision is made in the case of the sheriff as to all fees in excess of $1,500, but the Act is not to affect the existing county officers.—Act lxxxvi.

21. Prof. Goodnow supplies a convenient summary of the state of the law and practice generally as to fees in the American Republic in these words: "The amount of the salary attached to the office may be fixed, or may depend on the amount of business done in the office, *i.e.*, it may consist wholly or partly of fees. The latter method is very common in the consular and customs services of the national Government, and in the local offices in the commonwealths. The advantage of the fee system consists in the fact that the salary or compensation is paid under it by those persons who make use of the office to which the fees are attached. Its disadvantage is to be found in the fact that on account of the smallness of the fee usually required, extortion is not infrequently practised by the officers, and submitted to by the public, notwithstanding the most stringent

penal provisions that may be passed to prevent it. The compensation actually received is out of all proportion to the work done, and comes to be regarded rather as a reward for political service, than as a compensation for work done. On this account the tendency at present is to replace fees by fixed salaries. Another method of fixing the compensation is to pay so much for each day's service rendered by the officer. This system of *per diem* allowances, as it is called, is quite common in the localities where the public business is so arranged as to require a great number of officers who shall devote only a part of their time to the public service. Still another method of fixing the amount of salary is to be found in the national postal service, where the compensation of postmasters is, within certain limits, determined by the receipts of their offices, *i.e.*, by the number of postage stamps sold.—Pp. 70, 71, vol. ii.

22. The abuse of the fee system above spoken of, on account of extortion practised by the officers, is not experienced in this country. Several reasons exist for this salutary condition of the public service. The fees charged are in all the courts subject to taxation, and are besides watched by the solicitors employed by the parties. There is a system of competent inspection by Government officers by which any attempt at over-charge is checked. There is besides that feeling of permanence in official positions, consequent upon upright dealing, which forms the best inducement to official rectitude. The short tenure of office in the states of the Union supplies a temptation to many men to make the most of their opportunity, and to take advantage of their position to levy unjust gain.

23. The examination of the various methods employed in the different states of the Union does not disclose any settled rule or principle in the adjustment of fees and salaries; considerations of expediency appear to govern, having regard to local circumstances and local experience.

24. In the management of fees in this province it is submitted that in the case of ministerial officers the better practice is to let them be collected by the officer for his own use, unless and until the aggregate amounts to an unreasonably large compensation, having regard to his duties and responsibilities. When the proper limit is reached his salary should be fixed, to be taken out of the fees, and the balance collected, with or without percentages, as may seem expedient for the public use.

Indeed some such method has been developed in Ontario as an outcome of the growth of the country, and has been framed for the protection of both the officer and the public.

25. But it may be proper at this point to give in brief the steps by which the fee system has progressed, as displayed in the statute book of the province.

The scale of fees to be received by the official principal and surrogate and register of the Court of Probate was fixed by the first statute of 1793 (33 Geo. III., c. 8, s. 18). In 1858 the Court of Probate was abolished, and in each county a Surrogate Court was established having one judge and a registrar. Judge and registrar were to take fees for their own use, according to a scale fixed by the Superior Court judge. Clerks of the County Court were to be *ex officio* registrars (22 Vict., c. 93, s. 49-60). And upon that footing the law remains to the present day.

In 1822 the judges were directed to establish scales of fees to be taken by all officers of court (2 Geo. IV., c 1), and the like provisions as to District (now County) Courts by cap. 2 of the same year. These are at the root of all subsequent tariffs of costs.

In the original Division Courts by Act of 1833 there was the tariff of fees to be received by the commissioner (who presided), the clerks and the bailiffs, 3 Wm. IV., c. 1, s. 30. This was amended in 1837 (7 Wm. IV., c. 12).

In 1841 it was provided that every judge and clerk of the Division Court should be paid by salary; that of the judge to be not over £200 nor less than £100, that of the clerk to be not over £100 nor less than £20 (4, 5 Vict., c. 3, s. 9). The bailiff was to be paid by fees as allowed by the Act. The Governor-in-Council was to fix the remuneration to be paid to the judge and the clerk, having due regard to the population of the several districts and divisions—and this might be increased or diminished.

The clerk was to account and pay over at least once in every three months to the treasurer of the district, (who was to be receiver-general of the fees of the several Division Courts in his district); and thus was formed a fee fund to be applied to salaries (s. 12). Any deficiency of salaries was to be made up out of the consolidated funds of the province (s. 14).

This provision for the payment of salaries to the clerks of Division Courts was repealed in 1845, and payment to them by fees only in lieu of other emoluments was restored (8 Vict., c. 37, ss. 1 and 16). Certain fees were to go to the fee fund and others to the clerks and bailiffs (p. 207 of Stat.) These provisions were continued in 1850, when the salary of the judge was increased, and he was to appoint the clerk and bailiff, who were to be paid by fees (13, 14 Vict., c. 53, s. 12).

In 1841 the like provisions were made regarding District Courts as are above mentioned touching Division Courts. Judge and clerk to be paid by salary fixed by the Governor, and all fees to be funded. And when they became County Courts no change was made as to salary.

Then the County Court clerks were declared to be *ex-officio* deputy clerks of the Crown and Pleas in the Superior Courts of Upper Canada (12 Vict., c. 63, s. 11). And it was further provided that the deputy clerk of the Crown should be paid a certain salary, in no case more than £100 or less than £20, to be fixed by the Governor-in-Council. They are to take no fees to their own use, but to pay over all to the inspector-general, and those fees shall form part of the Consolidated Revenue Fund (12 Vict., c. 63, ss. 11-16). This amount for salary was changed in 1873 so as to range between £100 and £600 (36 Vict., c. 8, s. 63).

In 1845 tables of fees to be taken by the sheriff, coroner, clerk of peace, constables and crier for services connected with the administration of justice and for other district purposes, were framed by the justices at the quarter sessions and submitted to the judges under 8 Vict., c. 38, s. 1, and it was then declared that all fees on services for the private benefit of or in the nature of a civil remedy for individuals, at whose instance the same are performed, shall be paid by such individuals, (and these to be so distinguished in the table), and all other fees shall be paid out of the district funds by the treasurer of the district.

This is the foundation and origin of the present state of payments made by the counties—as the ratable contribution chargeable to them in return for the profits accruing from the local administration of justice in the several counties. The amounts have been varied and items for other like services added from time —as to which details are not now called for.

In 1846 it was enacted that the expenses of the administration of justice under various heads to clerk of the peace, sheriff, coroner, constable and crier, theretofore paid by local taxation, should be paid out of the public funds of the province (9 Vict., c. 58). This relieved the district funds from the payment of expenditure more properly chargeable on the public, thereby recognizing the

principle that the administration of justice is not merely a local or municipal matter, but of general importance to the central government, representing the whole community.

Before this, and in part to recoup counties, it had been provided that fines which go to the poor by the criminal law of England, and other fines not provided for, should be paid to the treasurer of the district in which the conviction took place (1830) 2 Geo. IV., c. 1.

25a. In Quebec the fees are funded in the administration of justice, and salaries paid thereout, in all places at the discretion of the Lieutenant-Governor in Council, except in the districts of Quebec and Montreal, which are fixed thus by statute:

—	Sheriff.	Prothonotary.	Clerk of Circuit Court.	Clerk of Crown.	Clerk of Peace.
	Not over $	Not over $	Not over $	Not over $	Not over $
District of Quebec	3,600	3,000	1,600	1,200	2,000
" Montreal	3,600	4,000	2,600	1,200	2,000

To clerk of Superior Court, Montreal, $2,600.

See Rev. Stat., Quebec, 1888, paragraph 2,696, vol i.; see also the evidence of Dr. McLaren, where a statement of the Lower Canadian method is given with sufficient fulness.

26. The keynote of the present system of regulating the application of fees in Ontario is found in the statute of 1872, drawn by the Hon. Edward Blake, with reference to the revenue from registration of deeds, the need and intent of which is expressed in the preamble: "Whereas the number of registrations, extracts and searches has become so large in divers registry offices that the income therefrom is now excessive, and whereas the like result may be expected in other registry offices, and whereas it is expedient to make some provision in the premises." Then it was enacted that each registrar might retain fees up to $2,500 for the year, and as to fees between $2,500 and $3,000 he should retain ninety per cent. to his own use; between $3,000 and $3,500, eighty per cent. to his own use; between $3,500 and $4,000, seventy per cent. to his own use; between $4,000 and $4,500, sixty per cent. to his own use, and where fees exceeded $4,500 he was to retain fifty per cent. and no more. All the surplus over what he retained was to be paid over for the uses of the municipality (35 Vict., c. 27).

This plan was soon applied to other offices, and was ultimately extended to all fee-producing offices. Thus in 1870 clerks of the County Court, registrars of the Surrogate Court, and clerks of the Division Court in a city or part of a city were ordered to keep books of all their fees, charges and emoluments and make a return under oath (41 Vict. c 2, s. 44). And as to the clerk of the county of York, he was to retain fees up to $2,000 and pay over certain percentages of the amount received thereafter as provided in the Act. In the following year the plan of checking the fees was applied to the office of sheriffs and returns under oath were called for (42 Vict. c. 25).

In 1880 every county attorney and clerk of the peace was directed to keep and make the like returns (43 Vict. c. 3). And in the same year every clerk of the Division Courts, and also the bailiffs were to make entries of all fees, etc., and make returns under oath to the new officer then appointed, called inspector

of Division Courts (43 Vict. c. 8). Each Division Court clerk was allowed to retain for his own use $1,000, and in excess of that he was to pay over certain percentages to the treasurer of the province, as by sect. 39 of the Act.

In 1881 the Judicature Act required that all officers paid by fees should yearly transmit to the treasurer of the province a just, true and faithful account verified by oath of the amount of fees payable to him by virtue of his office during the year (44 Vict. c. 5, s. 64, ss. 14). And in 1884 these returns were to be made to the new officer called inspector of county offices connected with the administration of justice (47 Vict. c. 10, s. 16).

To this functionary are now made all returns from sheriffs, local masters, local registrars and deputy registrars, county crown attorneys and clerks of the peace.

In 1892 there was a comprehensve enactment regulating the fees of certain public officers, viz.: Division Court clerks, local registrars of the High Court, deputy clerks of the crown, County Court clerk and surrogate registrar, registrar of deeds and sheriffs. All these were to pay over certain percentages to the province, out of which a fund was to be formed to cover the expenses of inspector, auditor and other charges (53 Vict. c. 17). This was, however, superseded by the Act now in force in 1894, of which the details may be given (57 Vict. c. 9).

Every Division Court clerk is to retain for his own use up to $1,000; of further net income he is to pay over to the province.

On excess over $1,000 and not exceeding $1,500, 10 per cent.
" $1,500 " $2,000, 20 per cent.
" $2,000 " $2,500, 30 per cent.
" $2,500 he is to pay over 50 per cent.

Every local registrar, clerk of the crown, deputy clerk of the crown, County Court clerk and Surrogate registrar shall retain to his own use up to $1,500 from all his offices, then to pay over to the provincial treasurer:

On excess over $1,500, not exceeding $2,000, 10 per cent.
" $2,000, " $2,500, 20 per cent.
" $2,500, " $3,000, 30 per cent.
" $2,500 he is to pay over 50 per cent.

Every registrar of deeds is to retain to his own use $1,500, and then out of further net income he is to pay over the same ratio of percentage as in the case of local registrars, etc.

Every sheriff, county crown attorney (whether clerk of the peace or otherwise), and clerk of the peace, is entitled to retain to his own use $2,000, and then of further net income he is to pay to the province:

On excess over $2,000 and up to $2,500, 10 per cent.
" $2,500 " $3,000, 20 per cent.
" $3,000 " $3,500, 30 per cent.
" $3,500 he is to pay over 50 per cent.

Salary to Local Masters and Deputy Registrars.

27. These were officers of the old Court of Chancery, generally held by the same person and appointed by the judges, to transact the business of the court in the different counties of the province. The statute which gave power to appoint also directed these officers to retain certain fees to their own

use—a practice which has continued to the present day—(Con. Stat U. C. c. 12, s. 13 and 15). Under the Judicature Act of 1881, the office or offices became appointive, and it is so arranged that the county judge may be the local master, and the County Court clerk the deputy registrar, if one person is not appointed to serve in both capacities. So far as the mastership is concerned, that is essentially a judicial office of an important character, requiring the possession and exercise of skill, judgment and discretion. There is power to commute with local masters, so as to pay them a salary in lieu of fees, and this power has been in several instances exercised. The basis is that the sum shall not exceed the average income derived from fees for the five preceding years (Judic. Act 1881, s. 64, ss. 6). It cannot be too strongly recommended that these judicial officers should all be placed on the footing of salaries, whether the office is attached to that of the county judge or not. At present local masters whose gross income is less than $2,000 are allowed to practice; this is a most undesirable thing, and if in such cases a respectable salary cannot be paid, so as to support the officer without the necessity of his engaging in practice, then the office should be united to the county judgeship, or combined with some other local office.

28. It is observed that in some cases of commutation, the aggregate of fees received during the year has been in subsequent years less than the amount of commutation money. Many reasons may account for this, it may be in some cases that the officer is not so diligent in the collection of fees for the treasury as if he were himself the beneficial recipient, or it may be that in some cases work unnecessarily protracted under the one system has been done more expeditiously under the other, and in still another case it may be that through the amendment of the laws, and the simplification of procedure, the volume and details of work actually done and to be done have decreased. The remedy to preserve to some extent a just equilibrium between the moneys received by the treasury and those expended for the salary would be to have readjustments of the amount of salary every three or five years, based upon the returns of what had been collected during these years by the officer. Something analogous to this is found in the legislation of Canada with reference to the salaries of officers of the court in the Lower Canadian judicature. The provision first made was that the officer should be paid solely out of the fees attached to his office, and if they fell short then he could receive no more than the net balance after paying deputy and clerks thereout (Act of 1850; 13, 14 Vict, c. 37, s. 4). But this was amended so as to give the deficiency out of the public funds, but retaining some compensatory means of adjustment in case there should be a chronic shortage in the collection, in this that the fixed salaries assigned might be modified by the Governor from time to time, as he should judge expedient, 18 Vict. C. 98 s. 5.

Salary to Clerk of the Peace and County Attorney.

29. It would be a great convenience to substitute for the fees granted to the clerk of the peace a fixed salary based upon the commutation of receipts from his office as is permitted by the Ontario Statute, (42 Vict. c. 18, 1879). In 1841 it was recommended by the Justices of the Peace for the district of London that £300 a year should be allowed the clerk in lieu of all fees payable by the County, (*Atkin* v. *London*; 1 U. C. R. 293). And in some counties *e. g.* Kent, where the fixed sum is $1,000 the statute has been invoked. But it would be well to have this done systematically in all the counties at the option of either

officer or municipality. It would be also most desirable to have the remuneration paid to this officer as county attorney, not dependent on fees, but placed upon a fixed basis, as in the case of other vquasi-judicial officers.

By the English municipal Act (5, 6 Wm. IV. c. 76) the clerk of the peace for the borough was paid by fees settled by the sessions, until (14, 15 Vict. c. 56 s. 9) when the justices of the peace and the council of the borough might recommend that he should be paid by salary in lieu of fees, (stating the amount of salary) and thereupon the Secretary of State might order such salary to be paid out of the county rate. Here there was a provision made for the concurrence of three authorities in changing from fees to salary, viz., the magistrates, the local authorities and the Government. That suggests a composite board in Ontario for the settlement of what shall be paid as a fixed salary to the clerk of the peace, with the right of appeal (it may be) to one of the justices of the Supreme Court of Judicature in Ontario.

30. It may be noted in passing that the existing scale of fees receivable by the clerk of the peace is in some particulars unsuitable to the present method of doing business, but all such details could be dealt with by the suggested board.

31. It may be further noted that there is great diversity in the aggregate amounts received by county attorneys and clerks of the peace, which can hardly be entirely referable to the volume of work done. Before salaries are fixed for this joint office there should be some method of uniform appraisement of the total value of the services rendered, by the application of one standard throughout the Province. This might be readily accomplished by one competent officer satisfying himself as to whether the variations in amount in different counties of about the same population arise from local variations of audit, or from a greater or lesser amount of service.

32. The county attorneys should be required to intervene in all important criminal matters that are brought before the courts for adjudication—particularly in the police courts, (See the evidence of Mr. Crerar) and in fixing their compensation the policy should be to give such amounts as will secure more than average ability in this office. The complaint in many of the States of the Union is that inferior men alone seek this position, as it is not worth the while of others to do so on account of the inadequate returns attached to the office.

33. Under the English Local Act of 1888 the County Council shall pay the clerk of the peace as such, (and as clerk of the County Council)—such salary as may be fixed by the standing joint committee (*i.e.* of the Council and the magistrates) and all fees and costs payable to the clerk of the peace shall be paid into the county fund.

Before this enactment Mr. Maitland summarizes the practice thus:—"Under modern statutes the clerks of the peace are to be paid by salaries and the fees which used to be their reward go to the county treasurer." "Justice and Police" 92.

34. There is a strong consensus of independent opinion that these functionaries should be paid by salary. Mr. Hawkins, the law clerk of the English treasury, said before the Parliamentary Committee in 1849, in adverting to the multiplication of fees: "I am trying at the request of the Secretary of State to give such a table of fees for magistrates' clerks out of sessions and for clerks of the Peace of the Quarter Sessions as will obviate that difficulty, *i.e.*, that he shall have so much upon the commitment and so much upon the trial, without

reference to all these minute fees which he can increase at pleasure; it induces him to have a great many more witnesses than are absolutely necessary, and to lengthen the indictment beyond what is necessary; all of which Magistrates cannot help, I admit, but the clerk of the peace knows that he will get fees by all this and so he does it. (Q. 355). He then explained that the clerk before the Magistrate is often the prosecuting attorney as well. Then he proceeds, "There should be in every county a Crown prosecutor; a man whose independent business should be to look after these things and who should be upon a fixed salary. (Q. 309). He points out that the average cost of the Scotch prosecutions (where there were procurators fiscal in the different counties conducting them under the Lord Advocate's control and supervision) was £4 or £5; whereas in England under the system of wide-spread responsibility in the different counties, the average cost was from £15 to £20. (Q.Q. 293, 4).

35. Again, let the matter be viewed from the standpoint of the criminal, and the scale turns in favor of a salary. The experience of the philanthropic Frederick Hill may be usefully quoted on this head:

"I recollect a conversation with Lord Cockburn on the subject of the payment of procurators fiscal by fees. I mentioned to him that talking with prisoners, I not infrequently found that they entertained a belief that the cause of their being in gaol was the desire of the 'fiscal' to put a fee of two guineas into his pocket. This evil I thought might be readily obviated by paying the prosecutors a fixed salary instead of fees on conviction. Although Lord Cockburn as a judge had necessarily much to do with criminals, he said that the idea I had thrown out was quite new to him, and that he would carefully consider it. Some time afterwards the practice of paying procurators fiscal by fees was discontinued, and payment by salary was substituted" From the autobiography of Frederick Hill (under date 1836) p. 140-1.

Division Court Fees.

36. The late Statute of Ontario (57 Vict., c. 23, s. 11, 1894), makes a special provision for cases where the amount claimed is not over $10, so that a lump sum for fees shall be received by clerk and bailiff. It is worth considering whether this plan might not be extended advantageously to most, if not all cases within the Division Court jurisdiction. In England, the same matter was under consideration in 1849, and was brought forward by the law clerk of the treasury before the select committee of the English Parliament. Speaking of the English County Court Act of 1847, he said: "Instead of the table of fees there should be a percentage fee established according to the amount of the debt; half of that percentage to be paid when the summons was taken out, and the other half before the hearing. Besides the percentage it would be necessary to keep a few of the fees, *e g.*, for search—to keep people from searching the books out of curiosity." Q.Q. 32, 35; 231-235. It appears that in the County Courts of Scotland when the sum claimed is £12 and no litigation, the undefended expense is 10 shillings; when it is £25 the expense is 15 shillings, and if £50, then 15 shillings, and not more than 20 shillings where £100 is claimed; "Brougham's Speeches, vol. ii, p. 509, (Ed. 1838).

37. In the "Poor Man's Court" it would be well to have the simplest method of fee-payment, so that the ignorant and uneducated might not have to deal with a number of small items, but with one lump sum which would cover everything to be paid in the way of court charges.

PART IV.

As to Amount of Compensation.

38. 1. A table has been prepared based upon the returns for 1893, showing the amounts received in the different counties of Ontario so arranged as to show the gross earnings of the different officers—the proportion paid by the Provincial Government; the proportion paid by the county; and the proportion paid by the parties directly served; also the net income received by the officer after the payment of expenses; and the area and population of the counties.

39. 2. Also another table based upon the former showing the counties classified according to population and the salary received in each by sheriff, county attorney, and clerk of the peace, local registrar, deputy clerk of the crown and registrar of deeds:

TABLE,

County.	Area in acres.	Population.	Officer.
Algoma	27,604,480	26,627	Sheriff
			County Attorney and Clerk of the Peace.
			Local Registrar
Brant	223,215	36,445	Sheriff
			County Attorney and Clerk of the Peace..
			Local Registrar
Bruce	760,836	64,603	Sheriff
			County Attorney and Clerk of the Peace..
			Deputy Clerk of the Crown
Carleton	565,815	77,630	Sheriff
			County Attorney and Clerk of the Peace..
			Deputy Clerk of the Crown
Dufferin	315,624	22,311	Sheriff
			County Attorney and Clerk of the Peace..
			Local Registrar
Elgin	441,896	43,377	Sheriff
			County Attorney and Clerk of the Peace..
			Local Registrar
Essex	422,946	55,340	Sheriff
			County Attorney and Clerk of the Peace..
			Deputy Clerk of the Crown
Frontenac	662,312	47,009	Sheriff
			County Attorney and Clerk of the Peace..
			Local Registrar
Grey	1,097,350	71,214	Sheriff
			County Attorney and Clerk of the Peace..
			Local Registrar

No. 1

Gross earnings in 1893.	Amount paid by Government.	Amount paid by county.	Amount paid by parties served.	Net income after payment of expenses.	County.
$ c.	$ c.	$ c.	$ c.	$ c.	
2,657 22	1,792 85	.....	864 37	1,062 30	Algoma.
1,569 77	1,549 27	.....	20 50	1,412 21	
1,213 33	750 00	.....	463 33	1,198 33	
2,344 23	1,095 22	476 16	772 85	1,718 71	Brant.
1,596 66	714 20	823 56	58 90	1,533 16	
2,834 41	675 00	.....	2,159 41	1,877 27	
3,400 10	988 30	615 72	1,796 08	1,504 46	Bruce.
2,144 56	790 93	1,321 76	31 87	2,641 19	
2,854 45	450 00	.....	2,404 45	1,935 45	
4,717 26	1,221 90	539 26	2,956 10	2,580 54	Carleton.
1,373 93	460 49	849 19	64 25	1,525 32	
4,088 00	450 00	.....	3,638 00	3,272 10	
2,042 48	595 27	374 81	1,072 40	1,291 11	Dufferin.
586 48	268 78	317 70	.....	552 48	
1,707 25	675 00	.....	1,032 25	1,675 15	
3,124 47	1,284 85	772 54	1,067 08	1,165 51	Elgin.
1,758 05	1,084 24	673 81	....	2,033 47	
2,920 62	675 00	.. ..	2,245 62	2,287 17	
3,359 20	1,540 55	471 60	1,347 05	1,421 14	Essex.
1,625 08	906 02	572 08	146 98	910 91	
2,200 86	450 00	.....	1,750 86	1,855 21	
2,038 57	803 66	467 15	767 76	1,513 24	Frontenac.
1,438 99	538 20	871 79	29 00	875 35	
2,482 15	675 00	... .	1,807 15	1,658 79	
3,111 66	855 03	637 73	1,568 90	1,827 72	Grey.
596 26	147 45	448 81	.....	596 26	
3,134 81	750 00	.....	2,384 81	2,933 40	

TABLE No. 1.

County.	Area in acres.	Population.	Officer.
Haldimand	279,596	23,440	Sheriff
			County Attorney and Clerk of the Peace
			Local Registrar
Halton	223,930	21,982	Sheriff
			County Attorney and Clerk of the Peace
			Local Registrar
Hastings	885,411	59,084	Sheriff
			County Attorney and Clerk of the Peace
			Deputy Clerk of the Crown
Huron	795,829	66,781	Sheriff
			County Attorney and Clerk of the Peace
			Deputy Clerk of the Crown
Kent	582,063	58,019	Sheriff
			County Attorney and Clerk of the Peace
			Deputy Clerk of the Crown
Lambton	965,902	58,810	Sheriff
			County Attorney and Clerk of the Peace
			Local Registrar
Lanark	666,764	37,725	Sheriff
			County Attorney and Clerk of the Peace
			Local Registrar
Leeds and Grenville	741,451	60,888	Sheriff
			County Attorney and Clerk of the Peace
			Local Registrar
Lennox and Addington	688,496	24,750	Sheriff
			County Attorney and Clerk of the Peace
			Local Registrar

—*Continued.*

Gross earnings in 1893.	Amount paid by Government.	Amount paid by county.	Amount paid by parties served.	Net income after payment of expenses.	County.
$ c.	$ c.	$ c.	$ c.	$ c.	
1,478 96	779 80	329 38	369 78	957 86	Haldimand.
1,750 68	607 79	1,103 63	39 26	1,483 20	
1,673 40	600 00	....	1,073 40	1,573 40	
1,575 30	691 18	339 75	544 37	1,058 81	Halton.
1,798 15	614 85	1,167 99	15 30	1,637 99	
1,829 10	600 00	.....	1,229 10	1,320 10	
4,316 49	1,075 40	645 40	2,595 69	1,558 96	Hastings.
1,823 08	374 73	1,370 09	78 26	1,725 12	
3,456 97	450 00	.....	3,006 97	2,773 65	
2,754 90	876 95	468 66	1,409 29	1,181 76	Huron.
1,811 95	658 95	1,128 00	25 00	1,067 10	
3,100 85	500 00	.....	2,600 85	2,293 99	
3,682 28	1,225 43	649 20	1,807 65	2,906 97	Kent.
2,841 58	1,693 58	1,000 00	148 00	2,821 24	
2,695 42	450 00	.....	2,245 42	2,136 38	
2,508 93	955 40	439 10	1,114 43	1,370 65	Lambton.
1,978 33	958 33	1,020 00	.....	1,776 25	
2,779 72	675 00	.....	2,104 72	2,573 78	
1,334 97	522 59	410 24	402 14	901 30	Lanark.
1,017 43	407 61	483 35	126 47	948 37	
1,666 53	675 00	... .	991 53	1,509 93	
3,193 09	1,184 65	677 95	1,330 49	2,096 31	Leeds and Grenville.
992 38	521 33	462 80	8 25	906 91	
3,014 44	500 00	.....	2,514 44	2,658 83	
1,531 64	713 47	365 09	453 08	364 06	Lennox and Addington.
643 99	169 43	470 71	3 85	510 59	
1,728 45	600 00	.....	1,128 45	1,629 04	

TABLE No. 1.

County.	Area in acres.	Population.	Officer.
Lincoln	191,459	30,079	Sheriff
			County Attorney and Clerk of the Peace
			Deputy Clerk of the Crown
Middlesex	753,692	92,344	Sheriff
			County Attorney and Clerk of the Peace
			Deputy Clerk of the Crown
Muskoka	3,226,320	17,651	Sheriff
			Deputy Attorney and Clerk of the Peace
			Local Registrar
Norfolk	389,418	30,992	Sheriff
			County Attorney and Clerk of the Peace
			Local Registrar
Northumberland and Durham	808,698	70,462	Sheriff
			County Attorney and Clerk of the Peace
			Local Registrar
Ontario	488,030	45,355	Sheriff
			County Attorney and Clerk of the Peace
			Local Registrar
Oxford	470,376	49,849	Sheriff
			County Attorney and Clerk of the Peace
			Local Registrar
Parry Sound	2,288,800	19,167	Sheriff
			County Attorney and Clerk of the Peace
			Local Registrar
Peel	289,294	24,871	Sheriff
			County Attorney and Clerk of the Peace
			Local Registrar

—*Continued.*

Gross earnings in 1893.	Amount paid by Government.	Amount paid by county.	Amount paid by parties served.	Net income after payment of expenses.	County.
$ c.	$ c.	$ c.	$ c.	$ c.	
2,518 09	1,159 29	561 58	797 22	1,728 00	Lincoln.
1,613 54	615 19	998 35	.....	1,615 98	
1,889 83	450 00	.....	1,439 83	1,817 25	
3,971 58	1,328 90	1,260 48	1,382 20	1,823 65	Middlesex.
3,170 28	1,855 68	1,193 35	121 25	1,129 61	
5,126 15	500 00	.....	4,626 15	3,405 80	
2,153 95	1,899 41	.....	254 54	1,335 40	Muskoka.
1,289 42	1,204 37	.....	85 05	1,240 47	
747 37	600 00	.....	147 37	735 92	
1,753 65	620 71	609 01	523 93	1,053 95	Norfolk.
1,360 03	446 25	887 90	25 88	1,312 36	
1,992 80	675 00	.....	1,317 80	2,144 38	
3,380 21	798 60	660 74	1,920 87	1,447 42	Northumberland & Durham
1,553 48	1,358 98	177 75	16 75	1,405 26	
3,473 80	750 00	.....	2,723 80	2,480 76	
2,333 56	888 20	562 05	883 31	1,209 80	Ontario.
1,936 53	847 85	983 68	105 00	1,395 82	
2,393 95	675 00	.....	1,718 95	2,267 82	
2,731 61	833 69	518 16	1,379 76	1,788 37	Oxford.
1,079 64	389 35	673 19	17 10	1,258 49	
3,503 38	450 00	....	3,053 38	2,740 88	
2,294 87	1,303 79	.....	991 08	1,155 11	Parry Sound.
.....	.....	.....	.....	.....	
945 41	600 00	.....	345 41	945 41	
1,932 68	788 82	376 43	767 43	744 17	Peel.
1,218 64	476 95	726 48	15 21	1,184 99	
2,067 74	600 00	.....	1,467 74	1,885 11	

TABLE No. 1.

County.	Area in acres.	Population.	Officer.
Perth	518,007	51,716	Sheriff
			County Attorney and Clerk of the Peace
			Local Registrar
Peterborough	1,947,520	34,597	Sheriff
			County Attorney and Clerk of the Peace
			Local Registrar
Prescott and Russell	521,347	42,462	Sheriff
			Crown Attorney and Clerk of the Peace
			Local Registrar
Prince Edward	229,772	18,889	Sheriff
			Crown Attorney and Clerk of the Peace
			Local Registrar
Rainy River		7,579	Sheriff
			Local Registrar
Renfrew	985,504	49,976	Sheriff
			Crown Attorney and Clerk of the Peace
			Local Registrar
Simcoe	970,310	82,727	Sheriff
			Crown Attorney and Clerk of the Peace
			Deputy Clerk of the Crown
Stormont, Dundas and Glengarry	776,863	69,735	Sheriff
			County Attorney and Clerk of the Peace
			Local Registrar
Thunder Bay		7,650	Sheriff
			District Attorney and Clerk of the Peace
			Local Registrar

—*Continued.*

Gross earnings in 1893.	Amount paid by Government.	Amount paid by county.	Amount paid by parties served.	Net income after payment of expenses.	County.
$ c.	$ c.	$ c.	$ c.	$ c.	
2,356 54	808 20	434 22	1,114 12	1,218 47	Perth.
1,362 08	417 60	929 03	15 45	886 65	
2,850 10	675 00	.....	2,175 10	1,987 55	
1,928 92	244 31	118 22	1,566 39	1,189 15	Peterborough.
1,188 33	449 47	681 31	57 55	1,242 38	
2,422 39	675 00	.....	1,747 39	2,200 15	
2,006 31	966 93	385 78	653 60	1,106 56	Prescott and Russell.
1,156 94	332 29	794 15	30 50	1,137 03	
1,507 13	675 00	.....	832 13	1,113 53	
1,351 93	687 50	454 44	209 99	534 21	Prince Edward.
767 42	189 50	571 82	6 10	698 27	
1,517 07	600 00	.....	917 07	1,502 07	
2,276 82	1,845 06	.....	431 76	1,580 62	Rainy River.
938 54	700 00	.....	238 54	938 54	
2,941 37	809 32	555 18	1,576 87	1,818 76	Renfrew.
1,127 75	460 70	636 10	30 95	1,126 31	
1,516 55	600 00	.....	916 55	1,391 25	
3,696 66	1,142 00	595 23	1,959 43	1,114 29	Simcoe.
2,130 00	993 95	1,031 00	105 05	2,081 25	
3,731 00	500 00	.....	3,231 00	2,944 50	
3,139 41	900 15	940 82	1,298 44	1,922 65	Stormont, Dundas & Gleng'y
1,064 58	436 44	557 93	70 21	1,035 43	
2,168 95	750 00	.....	1,418 95	1,968 00	
3,121 83	1,946 29	.....	1,175 54	1,894 32	Thunder Bay.
649 46	636 36	.....	13 10	466 12	
1,938 25	600 00	.....	1,338 25	1,769 23	

TABLE No. 1.

Officer.	Area in acres.	Population.	Officer.
Victoria	834,548	32,991	Sheriff
			Crown Attorney and Clerk of the Peace
			Local Registrar
Waterloo	305,250	50,464	Sheriff
			Crown Attorney and Clerk of the Peace
			Local Registrar
Welland	228,946	30,631	Sheriff
			Crown Attorney and Clerk of the Peace
			Local Registrar
Wellington	670,300	59,371	Sheriff
			Crown Attorney and Clerk of the Peace
			Local Registrar
Wentworth	272,190	77,114	Sheriff
			Crown Attorney and Clerk of the Peace
			Deputy Clerk of the Crown
York	540,271	63,892	Sheriff
			County Attorney
			Clerk of the Peace
Toronto		181,209	Sheriff
			County Crown Attorney
Total			

—*Concluded.*

Gross earnings in 1893.	Amount paid by Government.	Amount paid by county.	Amount paid by parties served.	Net income after payment of expenses.	County
$ c.	$ c.	$ c.	$ c.	$ c.	
2,147 74	601 09	639 16	907 49	1,850 05	Victoria.
1,242 57	405 90	836 67	.....	1,247 98	
2,221 15	675 00	.....	1,546 15	2,023 09	
2,149 69	1,141 25	490 14	518 30	1,506 17	Waterloo.
1,606 30	568 40	1,022 80	15 10	1,387 50	
1,679 30	1,075 00	.....	604 30	1,579 30	
2,216 55	668 10	620 45	928 00	1,636 79	Welland.
1,683 86	667 45	974 10	42 31	1,621 66	
2,306 15	600 00	.....	1,706 15	1,892 09	
2,474 58	914 20	493 87	1,066 51	783 69	Wellington.
3,807 74	1,270 95	2,315 29	221 50	2,609 31	
817 31	427 00	.....	390 31	802 95	
4,784 14	2,365 20	460 48	1,958 46	2,257 86	Wentworth.
2,201 84	1,346 35	705 44	150 05	1,951 84	
4,279 35	500 00	.....	3,779 35	3,377 07	
7,914 88	3,795 85	653 35	3,465 68	4,269 50	York.
2,624 50	2,453 66	123 34	47 50	2,143 79	
3,682 90	1,312 10	2,087 90	282 90	2,466 80	
16,769 75	502 89	2,853 17	13,413 69	7,352 06	Toronto.
3,514 00	3,489 00	.....	25 00	3,688 65	
301,312 68	107,205 18	55,965 55	138,141 95	213,197 83	Total.

TABLE No. II.

County.	Population.	Sheriff (net).	County attorney and clerk of the peace.	Local registrar.	Deputy clerk of the Crown.	Registrar of Deeds.	Remarks.
		$ c.	$ c.	$ c.	$ c.	$ c.	
Prince Edward	18,819	534 21	698 27	1,502 07	.....	819 05	The figures are all the net salaries.
Muskoka	17,651	1,335 40	1,240 47	735 92	....	1,576 60	
Parry Sound	19,167	1,155 11	....	945 41	.....	1,169 17	
Halton	21,982	1,058 81	1,637 99	1,320 10	.....	1,189 44	
Dufferin	22,311	1,291 14	552 48	1,675 15	.....	2,089 48	
Haldimand	23,430	957 86	1,483 20	1,573 40	.....	1,097 45	
Lennox and Addington	24,750	364 06	510 59	1,629 04	.....	1,150 15	
Peel	24,871	744 17	1,184 99	1,885 01	....	1,169 17	
Algoma	26,627	1,062 30	1,412 21	1,198 33	....	1,742 89	
Lincoln	30,079	1,728 00	1,615 98	.....	1,817 25	2,716 32	
Welland	30,631	1,636 79	1,621 66	1,892 09	.....	3,382 71	
Norfolk	30,992	1,053 95	1,312 36	2,144 38	.....	1,967 84	
Victoria	32,991	1,850 05	1,247 98	2,023 09	.....	2,135 26	
Peterborough	34,597	1,189 15	1,242 38	2,200 16	.....	2,506 69	
Lanark, N	37,725	901 30	948 37	1,209 98	.....	952 54	$2,077 84
Lanark, S	.....	.....	.....	.....	.....	1,125 30	
Brant	36,445	1,718 71	1,533 16	1,877 27	.....	2,101 75	
Prescott	42,462	1,106 56	1,137 03	1,113 53	.....	1,320 00	2,338 50
Russell	.....	.....	....	....	.....	1,018 50	
Elgin	43,377	1,165 51	2,033 47	.....	2,287 17	3,094 56	
Ontario	45,355	1,209 80	1,395 82	2,267 82	.....	2,404 52	
Renfrew	46,976	1,818 76	1 126 31	1,391 25	.....	2,483 55	
Frontenac	47,009	1,513 24	875 35	1,658 79	.....	1,638 68	2,195 72
Kingston	.....	.....	.....	.....	....	557 04	
Oxford	49,849	1,788 37	1,258 49	2,740 38	....	3,031 94	
Waterloo	50,464	1,506 17	1,247 98	1,579 30	....	1,957 85	
Perth, N	51,716	1,218 47	886 65	1,987 55	.....	1,808 70	2,676 50
Perth, S	.....	.....	.....	....	.....	867 80	
Essex	55,340	1,421 14	910 91	.....	1,355 21	3,075 36	
Lambton	58,810	1,370 65	1,776 25	2,573 78	... .	2,443 01	
Kent	58,819	2,906 97	2,821 24	....	2,136 38	2,329 09	
Hastings	59,084	1,538 96	1,725 12	.....	2,773 65	2,381 09	
Wellington, N	59,371	783 69	2,609 31	802 95	.....	2,127 25	4,236 95
Wellington, S. & C	.....	.....	.....	.....	.....	2,109 70	

TABLE No. II.—*Concluded.*

County.	Population.	Sheriff (net).	County attorney and clerk of the peace.	Local registrar.	Deputy clerk of the Crown.	Registrar of deeds.	Remarks.
		$ c.	$ c.	$ c.	$ c.	$ c.	
Grenville	61,338	2,096 31	906 91	2,658 83	.....	890 60	$2,811 49
Leeds	.....	.....	.....	.....	.....	1,920 89	
York, E. & W.	63,982	4,269 50	C'y att. 2,143 79	Cl'k of p. 2,466 80	.....	1,007 98	2,245 48
York, N	.....	.....	.....	.....	.....	1,237 50	
Bruce	64,603	1,504 39	2,641 19	.....	1,935 45	2,838 07	
Huron	66,781	1,181 76	1,667 10	.....	2,293 99	2,194 78	
Stormont, Dundas and Glengarry	69,735	1,922 65	1,035 43	1,968 00	.....	.....	
Dundas	.....	.....	.....	.....	.....	816 05	
Glengarry	.....	.....	.....	.....	.....	1,040 85	2,829 50
Stormont	.....	.....	.....	.....	.....	972 60	
Northumberland and Durham	70,462	1,447 42	1,405 26	2,480 76	.....	.....	
Northumberland, E.	.....	.....	.....	.....	.....	969 00	
Northumberland, W.	.....	.....	.....	.....	.....	787 00	3,126 20
Durham, E.	.....	.....	.....	.....	.....	715 50	
Durham, W.	.....	.....	.....	.....	.....	654 70	
Grey, N.	71,214	1,827 72	596 26	2,933 40	.....	2,554 33	4,475 93
Grey, S.	.....	.....	.....	.....	.....	1,921 60	
Wentworth	77,114	2,257 86	1,951 84	.....	3,377 07	3,436 73	
Carleton	77,630	2,580 54	1,525 32	.....	3,272 10	2,345 38	5,217 45
Ottawa	.....	.....	.....	.....	.....	2,872 07	
Simcoe	82,727	1,114 29	2,081 25	.....	2,944 50	2,432 90	
Middlesex, N. & E.	92,344	1,823 65	1,129 61	.....	3,405 80	2,836 33	6,572 33
Middlesex, W.	.....	.....	.....	.....	.....	1,490 00	
London	.....	.....	.....	.....	.....	2,246 00	
Toronto, E.	181,209	7,532 06	C'y att. 3,688 65	.....	.....	3,103 24	6,542 29
Toronto, W.	.....	.....	.....	.....	.....	3,439 05	
Thunder Bay	.....	1,894 32	466 12	1,769 23	.....	1,048 20	
Rainy River	.....	1,580 62	.....	938 54	.....	622 35	
Haliburton	.....	.....	.....	.....	.....	501 06	
Manitoulin	.....	.....	.....	.....	.....	516 00	
Nipissing	.....	.....	.....	.....	.....	741 20	

40. For purposes of comparison the commissioners would call attention to the late changes in the registration law in Quebec and New Brunswick:

By the Act of 1894 (57 Vict., c. 41) Quebec has classified the registration divisions. In the first class are Hochelaga and Jacques Cartier, Montreal East and Montreal West; in the second, Quebec, and in the third, all subdivisions as may be brought within the statute by proclamation.

The salary attached to the first class is $3,500, to the second, $3,000, and to the third, $1,000 to $2,000.

If the average gross revenue of the first and second classes increases by fifteen per cent. for three consecutive years, $500 increase of salary is allowed, but if the gross increase in any of the first-class offices has not for three years reached $6,000 it shall fall into the second class, and the salary shall be reduced to $3,000.

Hochelaga and Jacques Cartier form a joint-office with a population of 94,830. The city of Montreal has a population of 182,695, and is divided into two offices, east and west, for registration purposes. The population of Quebec city is 63,000, and county is 19,503—in all 82,593.

41. In New Brunswick, by the Act of 1894 (c. 20), registrars were to collect all fees and retain for themselves up to the amount mentioned in the Act; the rest is turned over to the county treasurer of each county.

Applying the figures given in the census of 1891 to the figures in the statute this results:

Population.		County.	Fees to be taken by registrar.
City.	County.		
1. 24,184	25,390	1. St. John	$2,750
	41,477	2. Westmoreland	2,000
	30,979	3. York	2,000
	22,259	4. Carleton	1,750
	23,087	5. Kings	1,500
	23,752	6. Charlotte	1,500
	12,152	7. Queen's	1,000
	18,217	8. Victoria	1,000
9.	25,713	9. Northumberland	1,000
		10. Madawaska	1,000
11.	23,845	11. Kent	800
12.	10,971	12. Albert	800
13.	24,897	13. Gloucester	800
14.	8,308	14. Restagouche	600
15.	5,762	15. Sudbury	600

42. Having regard to the Ontario tables it is to be observed that the net amounts received by clerks of the court to their own use (*i.e.*, local registrar and deputy clerks of Crown) are as a rule much larger than the amounts received by the sheriffs. Registrars of deeds also, as a rule, receive more than sheriffs, although in gradation of official position and responsibility sheriffs rank above registrars. While both sheriffs and registrars are gravely responsible for errors and mistakes, the clerks of the courts are practically free from such responsibility.

44. These circumstances of inequality suggest as a practical solution, the placing of clerks of the court on a scale of limited fees; if not now, as and when each office becomes vacant by death or otherwise, grading, it may be, according to population.

43. It would also be in the interests of good administration to consolidate as far as possible the clerkships outside of the county of York; that is to have as a rule the offices of deputy clerk of the Crown, deputy registrar, county court clerk and surrogate registrar held by one and the same incumbent, under the graded and limited scale of compensation suggested, in some such way as this (taking population only as one factor in the table of illustration):

In counties under a population of:

20,000	to take to his own use up to		$1,000
30,000	"	"	1,250
40,000	"	"	1,500
60,000	"	"	1,750
80,000	"	"	2,000

and all over 80,000 to collect up to $2,500.

In each case the surplus to be dealt with as advised by the Provincial Government.

When the volume of business requires it, an assistant or other help to be allowed, not exceeding a certain amount, to be fixed by the inspector.

45. As a consequence of such consolidation of offices it would follow that the office of local master, (except in a few large places), should be attached to the office of county judge with some increase of compensation, having regard to the compensation already enjoyed by this officer as surrogate judge.

46. Again, looking at the Ontario tables and comparing the figures of receipts by the different officers, it would appear that the sheriff, the most important of all the administrative officers in question, is as a rule underpaid. If salaries are to be given the sheriffs as a class should receive a larger salary than would be represented by their present receipt of fees. The exceptions where the fees appear not to be inadequate are the Sheriff of York, who in 1893 received $4,269 net out of a county with a population of 63,982, and the Sheriff of Toronto, who received in 1893 $7,532 out of a city containing 181,209, which is at the headquarters of the province, where the heaviest and most expensive litigation has become centralized. The provisions of the Act of 1894 (which become operative in 1895), will materially cut down the receipts of the sheriffs among other officers, so that taking the amounts of $4,269 and $7,532, and applying the statutory percentages which will hereafter be turned over to the Government, it would reduce their amounts, respectively, to $3,584 and $5,216.

47. In the case of registrars it may be well, (if the system remains as it is), that there should be a maximum amount fixed, beyond which the whole surplus should be turned over to public or municipal use. Thus, (taking population only as a factor for the sake of illustration), in counties having under 20,000 inhabitants the maximum should be $1,500. In counties under 30,000 the maximum should be $1,800. In counties under 40,000 the maximum should be $2,100. Under 60,000 the maximum to be $2,400; under 80,000 the maximum to be $2,700; and over 80,000 the maximum to be $3,000, and so *mutatis mutandis* as to cities.

48. Particular attention is needed in offices where the duties are such as to require deputies, assistants or clerical help. There is a great diversity at present in the amount of outlay in this direction when the same offices in different counties are compared. The whole official system should in this regard be systematized; all arrears of work (if any) should be overtaken by special effort and then sufficient clerical force provided to prevent any future accumulation of

arrears. There should be a tolerably uniform scale of compensation allowed for this, so much for deputy officers, and so much for under clerks or writers. That is to say, a fixed sum per year where the additional person is to be a permanent clerk, and so much in bulk sum for occasional work.

Provisions of this kind are common in the Legislature of the different States of the Union, and while the choice of persons is left, as it should be, in the hands of the chief or head officer; the amount which should be paid is restricted by the paramount power.

49. So in the Lower Canadian judicial system each of the chief officers is to appoint a deputy, for whose conduct he is responsible, and each chief officer shall have a sufficient number of clerks for the performance of the duties of his office, to each of whom, as well as to the deputies, a reasonable compensation may be granted, subject to the previous approval of the Governor. Con. Stat. L. C., c. 98, s. 13.

And in the late organization of registry offices in Quebec it is provided that the Lieutenant-Governor is to fix the salary of the deputy and other necessary employees, not in any case to exceed $2,500, while for necessary contingencies an additional sum will be allowed. 57 Vict., c. 41, (1894) Quebec paragraph 5650-1.

Summary of Results.

50. 1. No change should be made in appointing the officers by handing over the choice to local authorities.

2. The fee system should be continued as to all ministerial offices, *e. g.*, registrar of deeds, clerks, and registrars of courts, sheriffs, and bailiffs.

3. Salaries should be paid to all judicial or quasi-judicial officers, *e. g.*, local masters, county attorneys, and (for convenience) clerks of the peace (as a conjoint office.)

4. The expenses connected with clerical and other assistance in the offices should be systematized so that uniformity and not diversity may characterize the service.

5. A limit should be placed upon the receipts or fee-paid officers to be fixed by the Legislature, having regard to the just means between scanty and excessive compensation.

51. 6. These results are responsive to all the matters with which the commissioners are directly charged; incidental suggestions have been made on germane or collateral subjects in the course of the report which are not here specifically enumerated.

J. A. Boyd,
J. B. Robinson,
John I. Hobson,
Thomas Brooks,
J. J. Mason.

Osgoode Hall,
Toronto,
March, 1895.

SPECIAL APPENDIX.

Some of the commissioners visited several States of the American Union, and from a personal conversation with men of affairs gained a more effective insight into the working of the various offices than could be obtained in any other manner. The results of this investigation, though generally made use of in the report, may be here succinctly stated, as to some salient points. In every state almost all the public officers are elected by the people.

The sheriffs, registrars, etc., are placed upon a general list or ticket, having first been nominated and chosen by a primary caucus of either Republicans or Democrats, and afterwards this whole ticket or list of names is presented by the respective political parties to the general or popular vote.

This ticket, as there are many offices to be filled, contains, or is composed of, many names, some of which are of prominent state officers of political importance, so much greater than those of sheriffs or registrars (who are equally on the list, but are only regarded as county officers), that it is mentioned as a fault in this system that candidates for the above offices do not receive that attention or enquiry from the voters as to their fitness for office, which their prominence (with us in Canada) is thought to deserve. These minor offices are in fact lost sight of in the great political issues involved in the election of higher state officers.

Upon the ticket for election generally appears the names of the Governors and Lieutenant-Governors, judges of the Supreme and Circuit Courts, clerks of the courts, Secretary of the State, Treasurer of the State, Superintendent of Public Instruction, prosecuting officer or county attorney, sheriffs, auditors, registrars, constables, etc., etc.

They are in fact all political candidates from the Governor downwards, and as such nominated on this political ticket, and succeed or fail of success according to the strength of either great party in the state.

It does occur now and then that one or more of the judges, as well as other officers of the state (and sometimes some of the county officers), are, owing to their proved capacity, efficiency and popular qualities, re-elected, at times too by an understanding of both political parties.

The Commissioners had the pleasure of being introduced to one of the judges in Cincinnati, who had been chosen for five terms.

This, however, was spoken of as a rare occurrence, party politics generally governing the vote for every officer nominated for election on the party's ticket.

The Commissioners found it to be the case, that be the candidates who they may, or for what office nominated, they are assessed for contribution or payment to the party's political fund, and are afterwards, as a general thing, during their term of office, annually taxed to keep up the strength and future success of the party on whose ticket they have been elected, and that they all go out of office at the end of the term for which they are chosen.

Gentlemen of long experience and residence in the several states and cities visited, and who had given close attention to this system of popular election, as applied to sheriffs, registrars, county attorneys, clerks, etc., etc., candidly confessed that it had proved a failure—did not elect the best men—that their qualification for office had little to do with the people's vote who knew but little about them, or had any opportunity of knowing—that popular election so applied to these officers was an admitted evil which they would gladly get rid of if they could, but that the principle of choosing every officer connected with the government of the state having been given to the people, it was next to impossible now to change it.

As all persons elected for office by universal suffrage, from the governor to the constable, hold their office by the same authority, and are in reality responsible only during their term to the people or party who elected them, no inspection or supervision of their offices takes place. Nominally there are in some states commissioners, whose duty it is to control or inspect, but all being subject to popular election, this power is, under the circumstances, as may be supposed, and as the Commissioners found, not practically or too severely exercised.

The Commissioners found it also universally admitted that every officer, be he governor or registrar, thus elected by universal suffrage is greatly engaged during his term in pulling every wire he knows of, in order to secure re-election by the people.

Respecting the remuneration of sheriffs, registrars, etc., etc., the Commissioners found that in many instances no return is given, neither are the public aware of the exact amount of fees received by the respective officers. In one important county in one state the sheriff was said by some to receive fifteen thousand dollars, by others twenty and twenty-five thousand.

This officer, who is generally Master of the Jail and House of Correction, is permitted to make a large income from prisoners and others, of which he gives, as is supposed, rather a slim return, but as he is elected by his party, who for the time are dominant in the state, his return of fees is not too strictly criticised. An agitation is being pressed in some important counties to change this mode of remunerating these officers, attended, however, with difficulties hard to surmount.

The Commissioners were fortunate in meeting Canadians in every state visited, many of them of long residence and experience in business affairs, and who had from their previous knowledge of Canada an excellent opportunity of judging between the American and Canadian systems—that is, as between appointments made by the executive or Government in Ontario, and appointments made by universal suffrage in the states. They were unanimously in favor of the former.

On the whole aspect and view of the position election and payment of the above mentioned officers, which a short visit to several of the states enabled them to make, the Commissioners are of opinion that the mode adopted in the Province of Ontario of having appointments made by the Government is in every way better calculated to secure good men to fill the respective offices, and could not advise a change in the direction of a popular vote. This conclusion is also in accordance with the great mass of the testimony obtained by them in Ontario.

Massachusetts.

The administrative system as developed in Massachusetts presents many points of variation and contrast as compared with ours in the particulars now under consideration. The only officer charged with responsibility similar to ours is the sheriff. The recorder of deeds is merely a recording officer and does not furnish abstracts of title; that is a distinct branch of business, not in official hands. The fee system is in form limited to the office of recorder of deeds, but it prevails in substance in the sheriff's office as will be presently explained.

The recorder of deeds in Suffolk County (which contains Boston) has a large staff of clerks and assistants all appointed and paid by him. After payment of all expenses the balance of fees received by him last year (1893) was $4,300. He has certain other perquisities of office which may be taken at $1,500 more.

Deeds and wills affecting lands are recorded in different offices: the former by the recorder, and the latter by the registrar of probate. This last officer is

elected by the people, but his salary is paid by the state, ($5,000 in Suffolk County.) No responsibility devolves upon either registrar or recorder in respect of abstracts of title such as obtains in the case of Ontario registrars of deeds.

The sheriff is also master of the houses of correction, (jails), and as such has a salary of (generally) $1,000, with right of maintenance and residence in connection with the prison. He gets a further salary fixed by the state as sheriff, (in Suffolk County $3,000), but the whole executive work is done by a suitable staff of deputies. In Boston he has six deputies who serve process and enforce executions, etc., for which they collect fees as in our system. These fees they divide equally amongst themselves and the aggregate is about $4,000 per year to each. They give bonds to the sheriff so as to secure him against loss on account of their action or inaction, and thus though the sheriff is primarily responsible he has the right of recourse to his deputies. He has also (in Boston) four officers to attend each jury court—five of which courts are sitting concurrently most of the year. These court officers receive a salary of $1,700 each per year. No per diem charge for attending court is permitted. The sheriff has the right to appoint all his deputies and other officers.

In the counties the clerk of court is a county officer for the Supreme Court and Superior Court of the state, and also clerk of the county commissioners. In Norfolk County he gets a fixed salary of $2,800, has one permanent clerk, $1,500, and occasional help for copying, etc., not exceeding $600 for the year.

The smaller courts—district, municipal or justices—have their own separate clerks paid by a salary fixed by the legislature.

For purposes of criminal law the state is grouped into (8) districts, each of which elects its own district attorney for three years. The salaries are fixed by statute ranging from $1,350 to $4,500, and are paid out of the county treasuries

New York.

In this state the trend of affairs has been to change from payment by fees into payment by salaries. This was brought about because of the excessive fees received in urban localities. Sheriffs are paid now a sum by way of salary, and also by the receipt of fees, and the result is that the aggregate receipts are larger than when only fees were collected. Recorders of deeds are paid salaries, and the result is that instead of there being, as was expected, a surplus for the county there is a shortage of fees to meet the salaries and expenses. The official being paid a salary makes no exertion to overtake extra work, and calls for an increase of the staff in order to keep up with the work.

There is no principle guiding the scale of salaries, or even in the methods of the different counties of the state; each has its own way of doing things and its own rate of payment for services, and the whole is a perfect chaos. Each county is specially legislated for and such rates of salary are imposed as the people can be brought to pay, and one is not guided by another. The method of electing officials having been conceded it cannot be withdrawn, however desirable in many cases a change might be; and in this connection one prominent man quoted Disraeli, "Democracy is like the grave—it takes all, but it restores nothing."

New Jersey.

This state stands upon the old ways, unmoved in the midst of change. All officers are paid by fees, no accounts are kept and no returns are required. No

movement has arisen to place any of the officers on fixed salaries, save one abortive attempt to do so. This was with reference to the Clerk of Chancery, and of another court, who were supposed to get over $20,000 yearly in fees; but the statute was so framed as to defeat its apparent intention. Prosecuting attorneys and court clerks are appointive officers, all the rest are elective.

The county clerk is clerk of all the higher courts, and of the county and quarter sessions courts, and is also recorder of deeds. The officers choose their own assistants and pay as they think best out of the fees. Three thousand dollars would be thought a very reasonable salary for the sheriff of a county with 100,000 population, and from $3,000 to $5,000 as a net amount for the county clerk and recorder. There is some agitation to have the judges elective. They are now appointed by the governor with consent of the Senate.

Pennsylvania.

In this state counties over 100,000 inhabitants pay the county officials by fixed salaries with certain perquisites. Under 100,000 the officials are paid by fees, and it is roughly estimated that the returns will range from $2,000 to $2,500 a year from all sources. There is little doubt, however, that these are minimum figures. For Philadelphia the registrar of wills has a salary of $10,000 and he also receives percentages on the collection of delinquent taxes, which run from $30,000 to $35,000 more into his pocket.

The recorder of deeds is paid a salary of $10,000 and has small percentages to about $600 besides. He can choose and dismiss the members of his staff, amounting to about 90 in all; they are paid salaries averaging over $1,000 each. Of surplus fees collected, about one-fifth goes to the state and the other four-fifths to the county (which is the City of Philadelphia.)

The sheriff of the city gets the largest salary, $15,000, as he is the most responsible officer. He has various deputies, one in the land department who is paid $6,000 a year. His process server gets $60 a month. The county fixes the salaries while the sheriff chooses his own assistants. All fees are paid into the county treasury, and last year there was a surplus of $50,000 over the expenses. The mayor gets a salary of $12,000, and has an immense patronage, (it is said), of about 10,000 places to fill in the city government.

Clerks of courts generally are elected by the people, but the prothonotary in Philadelphia, the chief registering clerk of the Court of Common Pleas is now appointed by the judges of the four Courts of Common Pleas for a term of three years at $10,000 a year. The change from election to appointment was made in 1873. In a book published under the auspices of the University of Pennsylvania it is said "when the prothonotary was elected by the people inasmuch as he owed his position largely to party strategy, and was responsible to no one but himself, the administration of the office was lax and corrupt. It was wont to be matter of notorious comment that the office was used to recoup the coffers of the regnant political party. The system of empowering the judges of the court to appoint was advocated and adopted principally in order that he might be made responsible to a tribunal that could easily pass judgment on his efficiency and remove him from office if he were corrupt or incompetent."—"City Government of Philadelphia" (1893), p. 274.

City of Washington and District of Columbia.

The Commissioners having visited and reported upon the system prevailing in several cities and states where the elective principle prevails and all officers of the state are subjected to and appointed by a popular vote, thought it advisabl

in the interest of further information to visit the district of Columbia and the city of Washington where alone in all the States, if not alone on this continent, another mode of appointment both for governmental and municipal affairs prevails, and where this mode has now been in successful operation for more than twenty years.

In this district and city containing, it is said, two hundred and seventy thousand people, a unique and exceptional method of government exists.

The President of the States, subject to the approval of the National Congress, has absolute control of all affairs both governmental and municipal, exercising exclusive control in all cases.

The constitution of the United States gave to Congress power to exercise exclusive legislation in all matters whatsoever over a district not exceeding ten miles square, as might by cession of particular states and the acceptance of Congress become the seat of the government of the United States. This power was conferred upon Congress for its own protection, and so that the executive and legislative functions of government could be carried on without molestation or fear from any cause or source whatever.

The chief reason for this provision was, that in 1783 Congress was compelled to leave Philadelphia by the approach of a body of the dissatisfied soldiers of the revolution, and as the city and state authorities acknowledged their inability to afford the necessary protection, the framers of the constitution saw the necessity for giving to Congress absolute control of the future capital, wherever it might be located.

It is interesting to state that the National Capital came to be located where it is after a contest of seven years in Congress, and the consideration of no less than twenty-two sites in several different states, and the passage by one House of a Bill for a dual capital with a provision that Congress should meet alternately at the two places. It was finally by a compromise located in Washington, in July, 1790.

The Act authorized President Washington to appoint three commissioners to lay out and define the boundaries of the district and to lay out the city on such plan as he might see fit.

Certain owners of land deeded portions of their properties "For a Federal city, with such streets, squares, parcels and lots as the President for the time being might approve." All lands taken for streets, avenues and alleys, were a free gift to the United States Government, lands selected for public reservations, for public buildings, parks, etc., were paid for, the balance of the land accepted and taken was laid out into squares and lots, to be divided equally between the original proprietors and the Government.

From the lots thus donated to the Government, it would appear that the ground upon which the capital, the executive mansion, and all the original departmental buildings stand, did not cost the Government a farthing, that the Government has paid nothing for either their public lots or for their property in the streets, now owning them without the expenditure of a dollar.

While the general Government was given absolute control, it was understood at first and was acted upon up to 1871, as far as purely local matters were concerned, municipal government as originally established in Alexandria should prevail, and a mayor and board of aldermen and council for the city of Washington controlled the municipal government.

In that year this system was changed by the creation of a Board of Public Works, a Board of Health, Governor, Secretary and Treasurer, all of whom

were appointed by the President and confirmed by the Senate, the general Government thus resuming direct control of local affairs. Congress, however, deemed it advisable to change this form of government, and in 1874 provided for the appointment of three commissioners to clear up and complete all matters created by the above Boards, etc.

The Municipal Government now consists of two civilian commissioners appointed by the President and confirmed by the Senate, and one Army Engineer Officer detailed by the Secretary of War, the three constituting a Board of Commissioners for three years. They appoint all subordinate officials and clerks, including the Board of School Trustees.

The Government owns almost half of the real estate of the city, including in the Government's share all the many parks, public grounds (those of the capital and presidential mansion included) the botanical gardens, etc., etc., hence the tax is divided, each, that is Government and people, paying half. Occasionally disputes have occurred as to the fair or proper division ; now, however, that arbitration has determined these disputes no dissatisfaction is expressed.

Each of the commissioners receives a salary of five thousand dollars a year. They appoint an attorney for the municipality of the District of Columbia at a salary of four thousand dollars, an assistant attorney at two thousand dollars, special assistant attorney at sixteen hundred dollars, and a law clerk at twelve hundred dollars per annum.

The Recorder of Deeds is appointed by the President and receives four thousand dollars per annum. In his office are a deputy recorder at eighteen hundred, two clerks at twelve hundred each, and one at seven hundred and eighty, besides a janitor.

The Register of Wills is also appointed by the President. His salary is three thousand six hundred dollars. There is also a deputy at fifteen hundred, two clerks at nine hundred each, one at eight hundred and forty, one at six hundred, and temporary clerks at two dollars per day, and messenger at three hundred and sixty.

The fees in this office amount to eleven thousand three hundred and forty dollars, and are sufficient to pay the salaries and expenses, which for the fiscal year ending 30th June, 1894, were ten thousand five hundred and eighty-five dollars.

There is also a United States District Attorney, who is appointed by the President and paid by fees. The amount of his income could not be ascertained, but is estimated from ten to twelve thousand dollars per annum. There are in his office four Assistant United States District Attorneys at the respective salaries of three thousand, two at two thousand one hundred and fifty, and one at twelve hundred and fifty dollars per annum, paid from fees received in the different courts.

The amount paid United States Marshall and his assistants in the District is eight thousand dollars. He is appointed by the President and nominates his own assistants.

There are no officers of any kind elected in the District of Columbia including the City of Washington. The residents in the District have no votes for any purpose.

From enquiry made and interviews had with leading citizens of all shades of politics, including resident Canadians, there was no desire expressed for any change

from the present system of Government appointment of these commissioners to appointment by a popular vote. Economy is secured, the accounts of the commissioners being examined by Federal Auditors, no useless offices created, and the Government carried on without any suspicion of bribery or corruption in any department. One prominent gentleman expressed what he said was the almost unanimous opinion, "That this is the only city in the United States whose government is not honey-combed with corruption."

The Commissioners can not close their Report without heartily acknowledging the many acts of courtesy received, and ready information kindly and promptly given by every gentleman in the United States to whom they had letters of introduction, or to whom they introduced themselves with the view of obtaining a knowledge of the matters submitted to them.

Table of Statistics, 1894.

The following table from the official returns for 1894 could not be prepared in time for use in compiling the report, but is inserted here for purposes of comparison and to illustrate the effect of existing legislation:

TABLE

referred to in the report showing the amounts received by officers therein named for 1894, and the sources from which such amounts were received, with a column added to illustrate how much will be payable for public use from similar receipts when the legislation of 1894 (57 Vic., cap. 9) takes effect.

County.	Area in acres.	Population.	Officer.
Algoma	27,604,480	26,627	Sheriff County Attorney and Clerk of the Peace Local Registrar
Brant	223,215	36,445	Sheriff County Attorney and Clerk of the Peace Local Registrar
Bruce	760,836	64,603	Sheriff County Attorney and Clerk of the Peace Deputy Registrar Deputy Clerk of the Crown
Carleton	565,815	77,630	Sheriff County Attorney and Clerk of the Peace Deputy Registrar Deputy Clerk of the Crown
Dufferin	315,624	22,311	Sheriff County Attorney and Clerk of the Peace Local Registrar
Elgin	441,896	43,377	Sheriff County Attorney and Clerk of the Peace Local Registrar
Essex	422,946	55,340	Sheriff County Attorney and Clerk of the Peace Deputy Registrar Deputy Clerk of the Crown
Frontenac	662,312	47,009	Sheriff County Attorney and Clerk of the Peace Local Registrar
Grey	1,097,350	71,214	Sheriff County Attorney and Clerk of the Peace Local Registrar
Haldimand	279,596	23,440	Sheriff County Attorney and Clerk of the Peace Local Registrar
Halton	223,930	21,982	Sheriff County Attorney and Clerk of the Peace Local Registrar
Hastings	885,411	59,084	Sheriff County Attorney and Clerk of the Peace Deputy Registrar Deputy Clerk of the Crown
Huron	795,829	66,781	Sheriff County Attorney and Clerk of the Peace Deputy Registrar Deputy Clerk of the Crown
Kent	82,063	58,019	Sheriff County Attorney and Clerk of the Peace Deputy Registrar Deputy Clerk of the Crown
Lambton	965,902	58,810	Sheriff County Attorney and Clerk of the Peace Local Registrar

Local Registrar and Deputy Clerk of Crown unless otherwise

Gross earnings in 1894.	Salary.	Amount paid by Government.	Amount paid by county.	Amount paid by parties served.	Net income after payment of expenses, including sums received for earnings in previous year.	Amount that would be payable to Government unker 57 Vict.
$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
1,521 00	1,000 00	941 44	.....	579 56	1,193 27	....
684 47	500 00	674 47	....	10 00	1,153 71	.....
565 32	750 00	.....	.....	565 32	1,278 82	.....
2,882 38	.....	1,548 38	406 52	927 48	1,930 34	.....
1,403 20	....	514 60	888 60	.....	1,326 70	.....
1,809 16	675 00	.....	.....	1,809 16	1,631 96	13 19
3,246 38	.....	1,217 42	586 58	1,442 38	1,746 69	.....
2,334 86	....	996 95	1,306 27	31 64	2,101 45	10 14
170 50	Commuted	... .	.....	170 50	Commuted	.....
2,629 44	450 00	.....	.....	2,629 44	2,339 44	117 88
4,433 52	. .....	1,158 75	620 41	2,654 36	2,699 48	89 89
2,015 75	....	779 84	1,006 23	229 68	995 17	.....
481 10	.....	.....	.....	481 10	424 64	.....
3,317 60	450 00	....	.....	3,317 60	2,718 65	215 59
1,621 21	....	529 07	370 93	721 21	1,243 95	.....
647 63	....	254 36	356 27	37 00	522 63	.....
1,001 90	675 00	.....	.....	1,001 90	1,574 05	7 40
2,598 38	.....	1,356 77	396 24	845 37	1,735 89	.....
1,776 24	.....	1,071 17	539 47	165 60	1,420 15	....
2,382 50	675 00	. .....	. .. .	2,382 50	2,737 70	221 31
3,811 36	....	2,391 60	540 45	879 31	2,312 09	31 20
1,551 94	.....	773 54	549 59	228 81	846 69	.....
352 90	.....	....	.....	352 90	381 30	.....
2,420 82	450 00	....	.....	2,420 82	2,304 11	110 82
1,558 93	100 00	695 86	510 78	352 29	1,219 55	.....
1,211 99	.....	346 00	865 99	.....	1,012 29	.....
1,590 91	675 00	....	.....	1,590 91	1,559 39	5 93
2,802 66	.....	1,063 00	699 25	1,040 41	1,596 42	....
1,321 15	.....	389 60	926 80	4 75	965 68	.....
2,177 85	750 00	... .	....	2,177 85	2,630 48	189 14
1,707 10	100 00	803 79	345 91	557 40	1,373 05	.....
1,602 02	. .....	646 50	869 49	86 03	1,214 46	.....
985 85	600 00	.....	.....	985 85	1,537 35	3 73
1,481 04	.....	754 84	353 06	373 14	938 63	.....
1,714 52	..... .	782 43	932 09	.....	1,684 41	.....
1,124 89	600 00	.. ..	.....	1,124 89	1,224 89	....
3,561 33	....	935 30	662 57	1,963 46	1,502 40	.....
1,154 15	....	349 35	741 90	62 90	360 29	from 4th July.
398 30	Commuted	.....	.....	398 30	Commuted	....
3,145 02	450 00	.....	....	3,145 02	1,911 71	41 17
2,769 26	.....	933 45	493 31	1,342 50	968 18	.....
1,673 85	.....	486 30	1,162 55	25 00	1,311 30	... .
156 30	Commuted	....	....	156 30	Commuted	.....
2,699 70	500 00	.....	....	2,699 70	2,494 40	148 88
3,827 91	.....	1,010 10	699 50	2,118 31	2,417 23	41 72
3,402 30	.....	2,266 65	1,008 65	127 00	2,662 30	82 46
196 00	.....	.....	.....	196 00	Commuted	.....
2,026 16	450 00	....	....	2,026 16	1,944 91	44 49
2,859 64	.....	1,340 10	468 50	1,051 04	1,670 84	.....
2,344 03	....	1,256 37	1,052 66	35 00	2,235 05	23 50
1,910 90	675 00	..... .	.....	1,910 90	2,460 90	142 18

stated includes County Court Clerk and Surrogate Registrar.

County.	Area in acres.	Population.	Officer.
Lanark	600,764	37,725	Sheriff County Attorney and Clerk of the Peace Local Registrar
Leeds and Grenville	741,451	60,888	Sheriff County Attorney and Clerk of the Peace Local Registrar
Lennox and Addington	688,496	24,750	Sheriff County Attorney and Clerk of the Peace Local Registrar
Lincoln	191,459	30,079	Sheriff County Attorney and Clerk of the Peace Deputy Registrar Deputy Clerk of the Crown
Middlesex	753,692	92,344	Sheriff County Attorney and Clerk of the Peace Deputy Registrar Deputy Clerk of the Crown
Muskoka	3,226,320	17,651	Sheriff District Crown Attorney Local Registrar
Norfolk	389,418	30,992	Sheriff County Attorney and Clerk of the Peace Local Registrar
Northumberland and Durham	808 698	70,462	Sheriff County Attorney and Clerk of the Peace Local Registrar
Ontario	488,030	45,355	Sheriff County Attorney and Clerk of the Peace Local Registaar
Oxford	470,376	49,849	Sheriff County Attorney and Clerk of the Peace Deputy Registrar Deputy Clerk of the Crown
Parry Sound	2,288,800	19,167	Sheriff Local Registrar
Peel	289,294	24,871	Sheriff County Attorney and Clerk of the Peace Local Registrar
Perth	518,007	51,716	Sheriff County Attorney and Clerk of the Peace Local Registrar
Peterborough	1,947,520	34,597	Sheriff County Attorney and Clerk of the Peace Local Registrar
Prescott and Russell	521,347	42,462	Sheriff County Attorney and Clerk of the Peace Local Registrar
Prince Edward	229,772	18,889	Sheriff County Attorney and Clerk of the Peace Local Registrar

Local Registrar and Deputy Clerk of the Crown unless otherwise

Gross earnings in 1894.	Salary.	Amount paid by Government.	Amount paid by county.	Amount paid by parties served.	Net income after payment of expenses, including sums received for earnings in previous year.	Amount that would be payable to Government under 57 Vict.
$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
1,474 27	.....	654 06	399 37	420 84	1,010 16	.....
1,090 81	.....	432 93	556 87	101 01	960 39	.....
1,956 20	675 00	.....	.....	1,956 20	1,745 88	24 58
2,928 10	.....	915 80	698 15	1,314 15	2,411 48	41 14
1,011 89	.....	415 53	586 36	10 00	902 89	.....
2,225 01	500 00	.....	.....	2,225 01	2,436 10	137 22
2,066 46	.....	533 73	363 62	1,169 11	1,138 34	.....
545 99	.....	96 18	440 13	9 68	532 93	.....
1,343 13	600 00	.....	.....	1,343 13	1,860 79	36 07
2,552 14	.....	1,018 80	618 40	914 94	1,689 24	.....
1,344 20	.....	482 00	862 20	.....	1,392 40	.....
223 27	.....	.....	.....	223 27	172 45	.....
1,542 75	450 00	.....	.....	1,542 75	1,540 40	4 04
4,005 41	.....	1,706 70	1,469 33	829 38	1,909 20	.....
3,341 88	.....	1,768 61	1,256 19	317 08	2,584 17	66 83
535 90	.....	.....	.....	535 90	535 90	.....
4,755 55	500 00	.....	.....	4,755 55	3,880 10	740 05
1,715 43	500 00	1,507 93	.....	207 50	1,421 54	.....
1,101 07	400 00	1,057 47	.....	43 60	1,407 01	.....
196 84	600 00	.....	.....	196 84	779 94	.....
2,666 21	.....	948 69	688 57	1,028 95	1,450 17	.....
1,511 56	.....	558 80	861 80	90 96	1,489 26	.....
1,547 32	675 00	.....	.....	1,547 32	1,892 62	39 26
2,929 56	.....	1,250 65	697 02	981 89	1,653 93	.....
2,200 57	.....	1,302 83	775 45	122 29	1,535 68	.....
2,802 72	750 00	.....	.....	2,802 72	2,756 04	226 81
1,916 81	.....	737 18	573 40	606 23	1,022 03	.....
1,703 79	.....	529 26	892 44	282 09	1,326 35	.....
1,845 10	675 00	.....	.....	1,845 10	2,258 00	101 60
3,109 58	.....	1,287 25	433 21	1,389 12	1,716 36	.....
1,352 01	.....	522 80	98 35	730 86	1,296 56	.....
179 99	.....	.....	.....	179 99	179 99	.....
3,010 60	450 00	.....	.....	3,010 60	2,782 70	234 81
2,302 76	500 00	1,136 59	.....	1,166 17	118 50	.....
67 42	600 00	.....	.....	67 42	667 42	.....
2,231 72	.....	1,078 98	419 84	732 90	1,016 19	.....
2,157 00	.....	1,217 48	860 59	78 93	1,811 88	.....
1,290 87	600 00	.....	.....	1,290 87	1,724 77	22 47
2,943 47	.....	1,236 40	521 75	1,185 32	1,535 61	.....
1,783 45	.....	852 38	924 57	6 50	1,382 40	.....
2,750 45	675 00	.....	.....	2,750 45	2,371 45	124 29
2,482 44	.....	853 80	490 91	1,137 73	1,477 95	.....
1,304 75	.....	726 31	516 24	62 20	1,524 02	.....
1,270 25	675 00	.....	.....	1,270 25	1,710 25	21 02
1,682 16	500 00	467 98	469 12	745 06	1,512 51	.....
1,230 94	.....	263 74	900 20	67 00	1,174 40	.....
650 57	675 00	.....	.....	650 57	983 02	.....
1,465 49	200 00	587 69	455 24	422 56	644 51	.....
801 74	.....	143 80	600 49	57 45	782 46	.....
1,251 94	600 00	.....	.....	1,251 94	1,787 94	28 79

stated includes County Court Clerk and Surrogate Registrar.

County.	Area in acres.	Population.	County.
Rainy River		7,579	Sheriff Local Registrar
Renfrew	985,504	49,976	Sheriff County Attorney and Clerk of the Peace Local Registrar
Simcoe	970,310	82,727	Sheriff County Attorney and Clerk of the Peace Deputy Registrar Deputy Clerk of the Crown
Stormont, Dundas and Glengarry.	776,863	69,735	Sheriff County Attorney and Clerk of the Peace Local Registrar Surrogate Registrar
Thunder Bay		7,650	Sheriff County Attorney and Clerk of the Peace Local Registrar
Victoria	834,548	32,991	Sheriff County Attorney and Clerk of the Peace Local Registrar
Waterloo	305,250	50,464	Sheriff County Attorney and Clerk of the Peace Local Registrar Surrogate Registrar
Welland	228,946	30,631	Sheriff County Attorney and Clerk of the Peace Local Registrar
Wellington	670,300	59,371	Sheriff County Attorney and Clerk of the Peace Local Registrar County Court Clerk Surrogate Registrar
Wentworth	272,190	77,114	Sheriff County Attorney and Clerk of the Peace Deputy Registrar Deputy Clerk of the Crown
York	540,271	63,892	Sheriff County Crown Attorney Clerk of the Peace County Court Clerk Surrogate Registrar
Toronto		181,209	Sheriff Crown Attorney
Totals			

Local Registrar and Deputy Clerk of the Crown unless otherwise

Gross earnings in 1894, exclusive of salary.	Salary.	Amount paid by Government.	Amount paid by county.	Amount paid by parties served.	Net income after payment of expenses, including sums received for earnings in previous year.	Amount that would be payable to Government under 57 Vict.
$ c.	$ c.	c.	$ c.	$ c.	$ c.	$ c.
1,241 57	1,000 00	658 05	.....	583 52	1,835 27	.....
311 95	700 00	.....	.....	311 95	986 95	.....
2,672 16	.....	1,013 29	520 54	1,138 33	1,604 17	.....
1,499 85	.....	870 04	610 01	19 80	1,437 62	.....
897 81	600 00	.....	.....	897 81	1,410 81	.....
4,489 89	.....	1,254 71	560 03	2,675 15	1,929 17	.....
2,607 26	.....	1,192 18	938 85	476 23	2,435 48	43 54
276 10	.....	.....	.....	276 10	256 74	.....
2,872 40	500 00	.....	.....	2,872 40	2,875 08	262 52
2,837 98	.....	858 87	916 76	1,062 35	1,315 07	.....
1,143 49	.....	484 65	527 18	131 66	1,075 69	.....
1,049 75	750 00	.....	.....	1,049 75	1,785 45	28 54
865 49	.....	.....	.....	865 49	870 37	.....
1,454 19	1,000 00	708 00	.....	746 19	1,782 51	.....
551 03	.....	520 48	.....	30 55	564 43	.....
876 29	600 00	.....	.....	876 29	1,364 76	.....
2,318 22	.....	730 80	575 88	1,011 54	1,684 04	.....
1,378 61	.....	536 80	816 81	25 00	1,269 35	.....
1,343 88	675 00	.....	.....	1,343 88	1,907 38	40 73
2,397 41	100 00	882 11	455 34	1,059 96	1,576 02	.....
1,909 18	.....	816 25	1,004 20	88 73	1,509 18	.....
764 25	1,075 00	.....	.....	764 25	1,585 25	8 52
1,000 23	.....	.....	.....	1,000 23	600 23	.....
2,210 42	.....	871 90	697 52	641 00	1,561 29	.....
1,774 33	.....	820 03	954 30	.....	1,037 95	.....
1,605 45	600 00	.....	.....	1,605 45	1,896 19	39 61
2,648 98	.....	834 83	626 78	1,187 37	934 35	.....
2,792 63	.....	1,081 07	1,627 56	84 00	2,261 73	26 17
324 61	500 00	.....	.....	324 61	804 83	.....
611 50	.....	.....	.....	611 50	579 00	.....
1,595 69	.....	.....	.....	1,895 69	1,323 20	.....
5,311 54	.....	2,299 05	470 40	2,542 09	2,082 54	8 25
2,154 59	.....	1,457 69	696 90	.....	2,004 59	45
841 96	.....	.....	.....	841 96	Commuted.	.....
3,915 69	500 00	.....	.....	3,915 69	3,998 39	799 20
6,988 14	.....	4,333 45	666 51	1,988 18	4,015 51	557 75
3,754 17	.....	3,512 01	154 66	87 50	2,790 87	108 17
4,160 61	.....	1,808 50	1,788 40	563 71	2,979 91	145 98
5,869 75	.....	.....	.....	5,869 75	4,578 17	1,089 08
5,123 51	.....	.....	.....	5,123 51	3,888 38	744 19
12,474 42	.....	3,277 45	294 68	8,902 29	5,245 40	1,172 70
4,032 00	.....	4,032 00	.....	.....	3,764 06	432 00
292,410 84	30,925 00	89,413 56	52,693 69	150,303 39	228,818 59	8,891 07
	Salaries.	30 925 00				
		120,338 56				

*Stated includes County Court Clerk and Surrogate Registrar.

PROCEEDINGS

OF THE

COMMISSION

APPOINTED TO INVESTIGATE THE QUESTION OF THE PAYMENT OF OFFICIALS BY FEES, ETC.

LIST OF PERSONS EXAMINED BEFORE THE FEES COMMISSION.

TORONTO.

TORONTO:- Osgoode Hall, April 12th, '94:—

JUDGE MACDOUGALL.

14TH APRIL:
E. B. Osler.
B. E. Walker.

17TH APRIL:
Chas. Lindsay.

18TH APRIL:
D. R. Wilkie.
Alex. Manning.
J. W. Langmuir.

19TH APRIL:
W. G. Eakin.

20TH APRIL:
Walter S. Lee.
J. Kingsmill.
J. Laidlaw.
W. G. Smith.

APRIL 23RD:
Sir Melville Parker.
E. A. Meredith.
A. M. Smith.

APRIL 24TH:
Geo. Graham.
Clarkson Jones.

APRIL 26TH:
Sir W. Howland.
Erastus Jackson.
T. J. Woodcock.
J. R. Wissler.
J. D. Evans.
J. C. Aikens.
C. A. Mallory.
A. Gifford.
D. Anderson.

STRATFORD, MAY 2ND:
John A. Hacking.
D. D. Campbell.
J. A. Donald.
Geo. Hyde.
Jos. Mountain.
Walter Thompson.
J. C. Monteith.
Jno. Brown.
William Buckingham.
W. J. Ferguson.
William Workman.
Thomas Plummer.
P. R. Jarvis.
J. P. Phin.

LONDON, MAY 3RD:
E. T. Essery.
G. A. Somerville.
H. W. Blinn.
W. C. L. Gill.
Wm. F. Bullen.
John Bland.

NEW DURHAM:
M. Kelly.

CHATHAM, MAY 4TH:
D. R. Van Allen.
Judge Bell.
Dr. Bray.
F. Marks.
P. McKellar.
C. C. Martin.
E. E. Parrott.
R. O'Hara.
H. A. Patteson
W. Douglas.
C. E. Pegley.
Dr. Fleming.
C. C. McPhee.
John Mercer.

LONDON, MAY 5TH:
W. S. Calvert.
W. J. Little.
T. E. Robson.
J. McCausland.

BRANTFORD, MAY 8TH:
W. Watt, Jr.
Archibald Harley.
T. S. Shenston.
W. S. Campbell.
T. L. Jones.
Jos. Hartley.
Wm. Edmondson.
Jos. Stratford.
P. J. Griffin.
Mayor Watt.
C. H. Waterous,
W. M. Turnbull.
H. McK. Wilson.
Lyman Chapin.
Chas. Heyd.

GUELPH, MAY 9TH:
William Reynolds.
Robt. Melvin.
J. T. Nicolle.
J. McGowan.
J. Beatty.
Jno. McNab.
G. W. Field.
Hugh Black.
Geo. Howard.

PALMERSTON, MAY 10TH:
Thomas Martin.

J. A. Halstead.
E. Tolton.
James Smith.
Dr. J. Standish.
Alex. Stewart.

Cornwall, May 15th :
Donald B. McLennan.
Thomas McDonald.
C. J. Hamilton.
W. Macpherson.
John H. Chisholm.
Emerson Warner.
Duncan Monroe.
Archibald McNab.
Andrew Harkness, M. D.
Findlay D. McNaughton.
Donald P. McKinnon.
John A. McDougall.
Dr. William Munro.
John B. Colquhoun.
Michael MacNamara.

Kingston, May 16th :
Adam Shortt.
John Herald.
Wm. Nicoll.
Nathan F. Dupuis.
Joseph B. Walkem.
Richard Walkem, Q.C.
Principal Grant.

Belleville, May 17th :
John P. Thomas.
James E. Walmsley.
Thomas Wills.
Nathaniel Vermilyea.
William McLaren.
William N. Ponton.
Henry G. Bleeker.
J. W. Johnston.
P. R. Daly.
Francis Wallbridge.
James M. Farley.
William R. Aylesworth.

Cobourg, May 18th :
William Henry McCallum.
William Maclean.
Richard Wilson.
Edward S. Huycke.
George Spence.
Samuel Clark.
William P. Prower.
D. H. Minaker.
M. J. Doyle.

Owen Sound, May 30th :
James McLachlan.
Wm. Lemon.
W. R. Armstrong.
Thomas Andrews.
James Edmunstone.
James Cochrane.

Barrie, June 1st :
C. H. Ross.
Jonathan Sissons.
Rev. Wm. McKee.
Henry Bird.
John Smith.

Toronto, Sept. 28th, '94 :
Judge Dartnell.
Sheriff Widdifield.

Sept. 29th :
J. J. Maclaren, Q.C.

Ottawa, Oct. 18th, '94 :
John Henderson.
Peter Larmonth.
Dr. J. G. Bourinot, C.M.G.
George Cox.
John M. Garland.
Sheriff Sweetland.
John P. Featherston.
John R. Armstrong.
Oliver Derocher.

Oct. 19th :
Joseph Cavanagh.
Charles Magee.
H. S. Corn.
Charles Mohr.
James Ballantyne.
Wm. McVeity.

Toronto, Nov. 3rd :
Alex McNab.

Hamilton, Nov. 7th, '94 and Nov. 8th, '94 :
William Sexton.
John F. Stock.
John Nicholson.
Samuel Barker.
T. H. McPherson.
Henry M. Kitson.
J. B. Calder.
Major T. A. Walker.
Thomas Beasley.
John Crerar, Q.C.

Simcoe, 9th Nov.:
Jonathan Ellis.
L. L. Sovereign.
J. F. Cohoe.
Louis F. Heyd.
Alex. McCall.
D. B. Palmerton.

Woodstock, 10th Nov. :
James Hay, Mayor.
John White.
Dr. Mearns
John Barwick.
George Innes.
Henry Brown.
David Hughes Charles.
Alex. McFarlane.
George Gordon
Colin McQuaig.
James Anderson.
William Steward.
Andrew Patullo.
Michael Walsh.

PROCEEDINGS OF THE COMMISSION APPOINTED TO INVESTIGATE THE QUESTION OF THE PAYMENT OF OFFICIALS BY FEES, ETC., ETC.

HON. CHANCELLOR BOYD, Chairman,
HON. JOHN BEVERLEY ROBINSON,
J. J. MASON, ESQ.,
THOMAS BROOK, ESQ.,
JOHN I. HOBSON, ESQ.,
} THE BOARD OF COMMISSIONERS.

JAMES FLEMING, - - - Secretary.

NELSON R. BUTCHER, - - - - - Stenographer.

OSGOODE HALL, April 12th, 1894, 11 a.m.

HIS HONOR JUDGE MACDOUGALL, by request of the commissioners appeared before the Board, and, being interrogated, stated as follows:

The CHANCELLOR: How long have you been Judge of the County? A.—Since March, 1883. I think that was the date of my commission.

Q.—And what experience have you had in connection with the matters now in question? A.—No greater experience than that of being in daily contact with the officials of the county and city; and incidentally, from time to time, coming in contact with the officials of other counties.

Q.—You have had a list of these questions sent to you? A.—I received the list yesterday.

Q.—It was just to point to the line of enquiry; and also to stimulate the persons examined to suggest anything that might occur to them. As to the manner of appointment of these officials, what do you say generally, or particularly, as to the desirability of any change. We want to know what your opinion is, as the result of experience; or, if you have had no experience, what your opinion is as the result of consideration. We want to know your views in every aspect. Just express your opinion fully on the subject generally, as to each and all of the officers, based on your experience, on your judgment, and on your reading? A.—I have only one answer to make to that, Mr. Chairman, and that is, that in my opinion the officers are better selected, as a rule, by their being appointed by the Provincial Government, that by their being elective officers. I am

not at all in favor of elective officers. From the experience I have had of elective officers in connection with municipal matters, that is, such of them as are elected, and from what I happen to know through reading, and through my observation of the system followed in the neighboring republic, from which one forms an idea of the quality and kind of material you get from the people, in the minor offices particularly, I should think as to the method of selecting the class of officers enumerated in your questions it would be a very great mistake, and a serious blunder, to substitute for the present method the elective system.

Q.—Do you classify the officials indicated? It struck me they were susceptible of classification? A.—Of course the only officer amongst the officials enumerated here that by any pretense should be elected, in my view, and secure any sort of efficiency, might possibly be the Registrar of Deeds. It is just possible that if there had to be an invasion of the system, that his election would be less objectionable than that of any officers of the courts, or connected with the administration of justice.

Q.—What distinction do you draw, if any, between the Registrar of Deeds and other officers? A.—I should say that any officer who has anything to do with the courts, or administration of justice should not be elected.

Q.—Then all of these, with the possible exception of the Registrar of Deeds, are officers connected with the administration of justice? A.—In my opinion.

Q.—Then you would classify the Registrar of Deeds as an officer concerned in the administration of law. A.—Oh, well, I think his efficiency is very much added to if he possessed a legal knowledge.

Q.—Do you not think the whole registry system is a branch of the Real Property Law? A.—It undoubtedly is, in that sense; it deals with real property, and concerns our titles, and the records of them.

Q.—Would you classify him, in any sense, as a municipal officer, as distinguished from a state or provincial officer? A.—I am only speaking now from the point of view of the administration of the office; in a good many cases the registrar does not do very much work, personally, in connection with the office, it is done by the deputies, or the officers, who sometimes know more about the business than the registrar.

Q.—But the office itself, is it one which you would class as a municipal office, regarding that in the sense of our Statutes, and pertaining to the work of the municipality? A.—Oh, clearly not.

Q.—Or of a provincial character? A.—Oh, I think it is of a provincial character.

Q.—What they would call in the United States "a state officer" and not a local officer? A.—Quite so.

Q.—Then you would favor, in your opinion, any officer who is a functionary of the state, or connected with the provincial administration of law, being under the supervision of the municipality? A.—Clearly not. I have stated that already. I said that if there should be any exception that is the only possible case where there might be an invasion.

Q.—Do you think there should be an exception? A.—No, I think not; that is not my personal view.

Q.—Are you aware that in the States complaint has been made as to registrars, who are elective officers, being inefficient in their office, that errors are committed by their subordinates, and that there is not the same supervision when they are dependent upon popular election? A.—I have heard this, and what you might call the Public Registry offices are so unreliable that nearly all the titles, or at least nearly all the records, and all the evidences of title that are depended upon, are usually the records of private enterprises.

Q.—There are Guarantee Societies? A.—Yes; and Abstract Offices conducted entirely by private individuals. I understand the records of those offices are more correctly kept, and are more reliable than those kept in the public offices.

Q.—You know there is a wide-spread system of Title Guarantee companies there, which do a large and lucrative business, based upon the difficulty of getting correct titles from the registry offices? A.—I have heard it, and I believe it to be a fact.

Q.—Do you attribute that in any way to the system of appointment there by popular election? A.—I think that has contributed very much to their inefficiency and unreliability. I think if you have an appointed officer under the supervision of the Government of the day, or their officers, and who may lose his office if he is inefficient, or is guilty of blunders, you secure a much closer attention and a more efficient performance of the duties.

Q.—Do you make any comparison as between the present method of appointment, by the Provincial Executive, and a nomination or selection by a county council, as compared with an election by the people? A.—I do not think you should mix the two systems; you should either place the whole responsibility upon the Provincial Government or change the system. I do not believe in a mixed system of nomination or selection by so-called municipal bodies, or in other words, restricting the choice of the Government to a limited set of individuals.

Q.—You are speaking of the nomination by council, and appointment by the Government? A.—Yes.

Q.—You would not favor that? A.—I would not.

Q.—Then supposing the selection was left entirely to the county councils, just as they appoint their county clerk and county treasurer? A.—Then I think you would have the office auctioned off to the man who would do it for the least money, and probably the man who had been left at home by his constituents would be the one who would get the appointment. My experience is as to offices filled by the nomination of municipal councils, that they are conferred upon those people in whom the public at large have least confidence, and I illustrate that by pointing out that all the appointments to the various trustee positions in boards connected with the city of Toronto. Take for instance the Public Library Board, the High School Board, and several other similar institutions where the council of the city have the nomination of representatives; almost invariably the persons appointed are the defeated aldermen. As a sop to their defeat their late colleagues nominate them for those positions. Mr. Mason will corroborate my view in that, because he has had considerable municipal experience. Instead of making a selection turning upon the efficiency, or the peculiar qualification of individuals, or selecting them from people who have not been concerned in municipal matters, or whose special knowledge fits them for the discharge of their duties, we have most incompetent individuals frequently appointed to these vacant positions.

That has been our constant experience here in Toronto. A liquor dealer who is not, I believe, disqualified from being a municipal councillor, or a coal dealer, will be placed on the Library Board, a man probably who can hardly write his name, and the only reason assigned is, "Oh, well, he is an ex-alderman and entitled to this compliment." Of course I do not wish to name any individuals.

Q.—Of course we only desire your opinion of the system? A.—Where the appointment is conferred by municipal councils, the general character of the choice or selection, with a few exceptions of course, is very inferior; it results in the selection of very inferior men, and men who have no claim upon the public because of their efficiency.

Mr. ROBINSON: Except by their service in council? A.—Well, the people have repudiated them, in most instances. There are some notable exceptions. A very good man may be defeated sometimes, and may be put into these positions, but the reverse is the rule.

The CHANCELLOR: Have you considered the question of registration, in the event of the Torrens system prevailing, superseding the other, would its introduction or extension be retarded or assisted by localizing registry offices among the different counties, instead of being kept in the hands of the Government as at present? A.—I have not considered that question.

Q.—Then you have, as I understand, an emphatic opinion about all the officers connected with the administration of justice, that it would be a mistake to change the method of appointment? A.—I think it would be a great misfortune.

Q.—And as to the Registrar of Deeds, no benefit would arise, but perhaps detriment, from a change? A.—A very serious detriment, in all probability.

COMPENSATION.

Q.—Then the next general matter of enquiry is as to the system of compensation, the system of paying any of the above officers in whole or in part by fees? A.—That is a very difficult question. There are evils both ways. The general principle which I apply to this is that a man should be paid somewhat in proportion to the amount of work he does. It is difficult to do that when you have a hard and fast line of salaries, unless they are frequently readjusted, from year to year, or from period to period; and, equitably speaking, the system of fees is the most just system, having regard to the fact that they are supposed to represent the amount of work done. If the work is not done the fees are not paid, and the aggregate of the fees will represent the aggregate of the work. Of course in some localities, where the work is very large in amount, and where, perhaps, the added responsibility of dealing with that large amount of work is not quite in the same proportion as if it were smaller, the aggregate of these fees may represent a sum which is perhaps excessive, in point of reward, for the work done. I do not know of any better system, in the meantime, than that adopted by the Government, viz, to take a portion of the fees beyond a certain amount, reducing it to a reasonable sum as a reward for the services rendered. Of course, I think that a salary system is infinitely preferable, if it can be adjusted in a fair way to represent a reward for the amount of work performed; but without frequent adjustment, in many of these offices, it would be very difficult to fix a scale that would be equitable and right. If the fees amount to a very large sum, I think they should be dealt with; perhaps the reward may be in excess of the service

performed; that was notably so, perhaps, in connection with the early history of the Toronto Registry Office. There, under the system of fees, if there was no percentage paid to the Government, or municipality, they would run into very enormous figures, altogether disproportionate to the expense incurred.

Q.—Do you make any distinction in this regard, supposing the officer is to be paid by fees; do you consider it equitable with regard to registrars, and with regard to the court officers, that the persons for whom the services are rendered should pay the fees? A.—I think the people who have the work done should pay.

Q.—Making it a charge upon those? A.—As to the court offices, either the litigants, or those who put the office in motion, should pay the fees. In either system, payment by salary, or payment by fees, there will be inequalitiese. However, I think that no man who holds a public office, even in many of those outlying districts, where the fees are very nominal in amount, where possibly he has to give most of his time to the duties of his office, and has to be on call during certain business hours, should receive less than a living wage. The fact that his fees only amount to $200 or $300 per year is unfair to him There should be some method of equalizing or levelling things up.

Q.—That would be either by giving him something from the treasury, or by consolidating offices? A.—One of the two. Under the present system a certain percentage is paid into the Government, and a certain proportion to the corporation. If these sums were funded, the smaller offices, or those who were inadequately paid, might be recouped. Of course in that case it might be said that the fees in the larger counties were going to support the offices in the smaller places.

Q.—You are speaking rather of registrars, than other officers? A.—Registrars, or sheriffs, or even local masters might come within that rule.

Mr. Robinson: You mean you would distribute the fund in the general interest? A.—I would use it for levelling up the inadequate salaries.

The Chancellor: That is to say, if there is in the aggregate of fees collected from any of these classes of offices more than enough to afford proper remuneration, would you in that case fix a salary for the offices where the fees amount to a large sum, and then distribute the surplus so as to equalize matters? A.—I would. I would not say that there should not be some reward beyond a maximum amount, but that the reward over a certain amount should be very, very much smaller than for the first two or three thousand dollars worth of work. There should be a minimum amount earned by the officers to start with, a living income.

Q.—What do you say as to fixing a salary basis, and letting the whole service be paid into a general fund, not giving, as under the present system, a sliding scale after a certain amount? A.—The only difficulty would be adjusting the amounts on a fair basis. If a salary could be fixed upon a fair and equitable basis, with a rising scale suited to very large additions to the work of the officials, it seems to me then that you might have a maximum fixed that would enable you to fund all the surplus fees for the purposes that I have named.

Mr. Robinson: But if that were done does it not strike you that that locality would pay for the business done at some other place? A.—No doubt, as a matter of fact, that would be so. The office should be self-supporting; if there is a surplus in one corner of the province it should supplement a deficiency in another.

Q.—Take the cases where the fees amount to a very large sum, what would you say to letting those who pay the fees have a reduction in fees, because more is being collected, in those places, than is necessary for the service? A.—Of course that is one way of dealing with the matter, but how would you supplement the income in the other places? Would it be fair then to raise the scale of fees in the poorer localities? If not, then you could not meet the difficulty of the insufficiently paid officers except out of the public chest.

Q.—Then suppose the registry offices, for instance, were worked upon what you may call a metropolitan system, that is, having a head office at the metropolis, and all the other district officers or deputy officers, there being a general supervision over the whole, the fees then collected from the whole system could be so distributed as to equalize salaries throughout. Could you secure that if you make these registrars simply county officers? A.—I think you could do it, but you would likely run counter to public opinion. You could not do it unless you arranged that there should be a funding of all surplus fees by paying them into the provincial treasury.

Q.—That could not be done by county machinery? A.—Clearly not. These must be provincial offices. In a sense they are under the control of the province, the appointees of the province. In a system which would make them simply local officers it would of course be difficult to deal with the surplus fees of the county where the officer was their own officer, and appointed by the local municipality.

Q.—Then another point. Suppose the salary system was introduced as a correct principle, what would be the effect upon the revenue paid in to the Government by means of fees? Would the officers be as astute in making collections as if they were getting the benefit themselves, and would the revenue be reduced, and the salaries create a larger charge, a greater charge upon the public, than if fees were received? A.—There is no doubt that where the officials' income depends upon his looking carefully after the collection of his fees he is more apt to attend closely to that duty than where he is paid by a fixed salary. That is human nature the world over.

Q.—Then in that view would you think the proper way would be to regulate the fees; if there are too many fees charged, or too high fees charged, to regulate them, but let them be strictly exacted? A.—I think you would get a more efficient service from your officers.

Q.—And the persons who should pay would pay, in that case? A.—Undoubtedly.

Q.—The fees would be collected, and let the moderation, or reduction, be in the matter of fees? A.—I think you would get a very satisfactory result in that way.

Q.—Look at that pamphlet. It has just been handed to me this morning? A.—I quite agree with the views stated there. There is a danger, if you do away with the fees, that some of the officers would do away with their duties.

Q.—You formed that opinion before you had seen this? A.—Oh yes; I had not seen this before. That is the result of my own experience.

Q.—The result of your experience is in accordance with the memorandum of the Judges found in the Tariff of Fees published in 1865? A.—And which you may say I never saw before it was placed in my hand, and then not until

after I had expressed my opinion. There is one objection to the fee system, which is not an objection so far as the office is concerned, but it is an objection which has reference to the performance of the duties of the office where extra assistance has to be obtained. I think the tendency of all fee paid officials is to pay inadequate salaries to their deputies and assistants. I do not mean to say that extends to every case, but in many cases the tendency is to pay inadequate salaries to deputies and other people assisting them. I think there should be some dealing with deputy officials, where it is necessary that such officials should be employed. A minimum salary should be fixed. They should receive at least a certain amount. Take the case, for instance, of Sheriff Mowat (I am not speaking of a case that exists) who has an office which is considered a very profitable one. He might say "I will not pay my deputy more than $1,000 per year, I must have a deputy, but I can get one for $1,000 per year; it is true he may be a poor man, and he may be a man who is not so well qualified to perform the duties of the office as a higher paid man, but that is all I feel disposed to pay." I have found, in several instances that have come under my observation, that deputies were very inadequately paid for the amount of work they did, as the whole matter of employing them and dealing with them is left with the holder of the office.

Q.—Could that not be very properly left to the supervision of the County Judge? It is so in the State of Massachussets, where clerical assistance is needed in registry offices. It is procured with the sanction of the court; itis made subject to some supervision, at all events, not left entirely to the discretion of the chief officer. A.—I think that would be a very wise provision, because it would secure a certain efficiency in appointees. I was not dealing so much with the matter of efficiency, as I do not know that that has proved, so far as my own experience goes, to be a very pressing evil. I referred to the inadequate reward paid deputies.

Q.—Then speaking also of special assistance needed, clerical assistance, when work is congested? A.—The same remarks would apply, but that is of minor importance.

Q.—That should be paid for, you think, at a proper rate, there being some provision in reference to it? A.—I think so.

Q.—The County Judge is the most suitable officer? A.—He is the pack-horse for all those duties.

Mr. Mason: Would you approve of their decision being final? A.—It would depend upon what you call their decision.

The Chancellor: Subject to appeal to the Executive, I suppose? A.—There could be something of that kind.

Q.—Or appeal to the Superior Court? A.—Something to prevent a dead-lock. There might be a friction between the local judge and an officer, or he might want to foist a relative on the officer, or something of that kind. I think the very existence of an appeal to some higher quarter would perhaps check the matter and prevent the necessity for appeal. The point I make, Mr. Chairman, is that in many of these larger offices, the pay of the deputy, where his services are absolutely indispensable, and where perhaps, he is more the man discharging the duties than the chief officer, and is the man with whom the public come in contact morning, noon and night, is very

inadequate, because the feeling is that it has got to be paid out of the salary of his superior officer. It seems to me there should be some dealing whereby a deputy in large offices should receive a minimum reward of not less than so much I think that would be a very wise provision in the interests of fair play and justice.

Q.—Have you formed any opinion as to what would be an adequate remuneration for sheriffs and registrars, and for the chief officers? A.—That is a very difficult question. It is very difficult to fix them. I do not think that any sheriff who is fit to discharge the duties of his office, and who is made to pay the penalty of his blunders, should receive less than $1,500 per year, no matter what happens. That should be the minimum in the poorer counties, and most remote regions. Of course that is an opinion given hastily.

Mr. ROBINSON: He might lose all that salary by a single error? A.—Yes.

The CHANCELLOR: And if you are going to have any regard to appearances, he must be able to creditably represent the county, as the chief officer? A.—Yes. I think $1,500 is the very lowest sum that should be paid to a sheriff. I say the same in regard to registrars. The office of registrar is very responsible. I put them about on a par. I know two or three registrars who have had to pay various sums for settling mistakes made in offices. Perhaps the amounts paid in some instances were not very high. Rather than have the matter brought into court, matters are settled amicably. As soon as it is brought to his attention he settles it immediately, and does not let it get to the public. I think there should be a system of inspection, irrespective of how the officials are paid or appointed. I think there should be inspection by an officer appointed by the Government.

Q.—And not by the municipality? A.—No. What do they know about inspection. Look at some of the municipal committees that are supposed to make investigations into departments, and see how little headway they make. If the inspector had the duty of fixing the salaries of deputies, and all that sort of thing, he would probably find a good deal of difficulty in dealing with the matter. You must bear in mind that the portion of the fees that the Government takes comes from the principal officer, a certain portion of it; for instance, if over $2,500, ten per cent. goes to the Government. If you pay an increased fee to your deputy, the principal officer pays a certain portion of that, as well as the Government, when you come to figure it up. Of course that varies with each percentage. It was the impression at first that the disbursements were taken off first before there was any dealing with the salary, but when you come to figure it up, if you give a deputy an increased salary, a portion of it comes out of the salary of the holder of the principal office, and the Government also loses a proportion of that which would come to them.

Mr. ROBINSON: Your general opinion then is, if I correctly apprehend you, that the payment by salary of these public officials could not be substituted, with advantage to the public, in place of the present system of payment by fees? A.—I do not think you would have as efficient officers. I think that the payment by fees insures greater activity on the part of the officer in the discharge of his duty.

The CHANCELLOR: Then you think there is no reason for a change, but that there are reasons against? A.—That would be my view.

Mr. E. B. OSLER, of the City of Toronto, appeared before the Commissioners and was interrogated as follows :

The CHANCELLOR : Just intimate, generally, Mr. Osler, what dealings, or experience, or knowledge you have had concerning registrars and municipal officers ? A.—I have been for a good many years manager of the North of Scotland Canadian Mortgage Company, one of the leading companies here. When I say I have been manager, I mean our firm has been. In that way we have of course had a good deal to do with all the municipal officers, both here and in Manitoba, for about nineteen years.

Q.—You have had this circular sent to you, indicating the lines we are proceeding upon, as to method of appointment, and as to salaries. You will notice there are two classes of officers, officers connected with the administration of justice, and registrars of deeds, who are not exactly officers connected with the administration of justice, but connected with land matters. What do you say as to the manner of appointment of any or all of them ? A.—I think that the appointment by the Government is the proper method, and is the most satisfactory. For the minor offices, local division courts, and such officers, I do not know why they should not be appointed by the municipal authorities. It would give them a little more interest. It might give them a little more responsibility if they had the appointment of bailiffs, or some of those minor classes of officials. But I do not see that there is any special reason for doing it.

Q.—Would you advocate a change for the mere sake of a change ? A. No ; there is merely the one reason why you might give to the municipalities the appointments I suggest, that it would give them rather more interest in life, and a little more responsibility.

Mr. ROBINSON : But for the higher offices, registrars and sheriffs, you are still of the opinion that they should remain, so far as the appointment is concerned, in the hands of the Government ? A.—I should think so.

The CHANCELLOR : As to those minor officers, division court clerks and bailiffs, why would you say the municipal councils rather than the judges of the county court, for instance, whose officers they are ? A.—I do not see any reason at all, except the one reason, that the local people seem to feel that everything is being taken out of their hands. It is taking away what, in the country, would be perhaps of a good deal of interest.

Q.—How would you have those appointments made ? By election ? A.—No ; the only way I would suggest would be the appointment by the county council, with the approval of the local judge. I am not very strongly of that opinion. I only suggest it for the one reason I mention, that there is a feeling that everything of interest is being taken away from the country districts, which is perhaps not a very wise thing, if it can be avoided, but for no other reason.

Q.—Just regarding it then in that point of view, that these matters connected with the administration of justice, is it not a part of the general system of the country which should be under the supervision of the executive, and not localized? A.—Well, these people should be under the inspection and supervision of the central authority, no doubt, just as much as they are now.

Q.—And your suggestion as to the appointment is rather to conciliate the public, than because of any reason for a change? A.—Just simply for that reason.

Q.—Then in any case you would not approve of an election by the popular vote? A.—No; I think that would tend to bring forward a man who might be a very popular man in the community, but entirely unfit for his position.

Q.—Would they be likely to make the best choice of persons who should discharge the duties connected with the administration of justice? By popular, vote? A. No; I do not think so.

Q.—Have you any experience of that system in the States? Elected officials as to how it works? A.—Only by hearsay.

Mr. MASON: You have a good deal to do with the registration of deeds and mortgages? A. Yes.

Q.—Are you clear upon that point, as to the appointment of registrars whether it should be by popular vote, by the municipal councils, or by the Government? A.—Oh, I think it should be by the Government.

The CHANCELLOR: Do you know of any drawbacks, or any evils that may have arisen in the States from popular appointments in registry offices? A.—Not individual cases that one could cite.

Mr. ROBINSON: Are you of the opinion that you would keep the appointment of the deputy registrar in the hands of the registrar, considering at times the grumbling there is about the bad pay? A.—The difficulty, if you do not do that, is that you have divided authority, and you can hardly make the one man responsible for the acts of two, if the head man has no say in his appointment.

Q.—Would you think that the Government ought to see that the deputy-registrars are fairly paid? A.—Yes; I think there is no question about that. Some of them have been indifferently paid.

The CHANCELLOR: Then as to the question of compensation, whether by fees or by salary? A.—I must say the more I have thought about it of late, since the discussion of the question, the more I come to the conclusion that the fee system is the only really practical one. In nearly all cases the work comes irregularly; they have no regular steady routine work. Take an officer whose work comes one day, and may be done the next, if you pay him by salary it is pretty apt to be neglected. If you pay a man by fees he is much more likely to attend to that class of work, than he would be if he was paid a salary. Then it is only right, as it is a class of work that is done for a few people in the community, that they should bear the expense. A man sells a farm, or borrows money, and it is not right that his neighbor should be taxed to pay for the work that is done for him. It is a necessity of the particular transaction of the individual, and I think the individual should pay the fee, just as much as he should pay his cost connected with drawing the deed, or anything of that sort. He is the party immediately benefited. That same remark applies to all the officials named. In certain districts the aggregate fees received by an officer should be limited. I suppose it would be a difficult matter to reduce the scale of fees in different districts, but that would be the fair way to do. The offices should be self-supporting, but there should not be a revenue. I do not see how, under any system, it can be exactly adjusted.

Q.—Then as I understand you, if the fees collected by the officers are sufficient in amount to give them a reasonable, or even a liberal living salary, you would not disturb the system. A.—No.

Q.—And if there is an over-plus it ought to be dealt with in some way? A.—Yes.

Q.—You have not indicated in what way you think it ought to be dealt with, if there is a surplus? A.—It is a very hard thing to devise means in that regard. It should belong to the individuals who have paid the fees; the surplus should go back to them as a bonus, in the same manner as a bonus goes to insured people when they pay too much, but the fees are so small that this could hardly be practically carried out. The only method would be that it should go to the municipality in some way or another.

Q.—You think then that when the fees reach what you might call a fair salary for the services rendered, there should be a fixation by fixing a salary? A.—Yes; or fixing a minimum.

Q.—Would you advocate the commutation system by which the officer should be paid thereafter a fixed sum, based upon the previous fees? A.—I think that they should perhaps increase in a small percentage. If a man has greater responsibility he should get a larger remuneration.

Q.—Just on that question of commutation I believe it is found that in some instances, where commutation has taken place, and a fixed sum based on the previous fees has been fixed by the Government, there has been a dropping off in the fees collected? A.—Yes. That might be. That arises because a man who is working on a fixed salary is less anxious to collect his fees.

Q.—What do you say as to the plan which I think obtains in some of the States, that a fixed sum should be paid, that is, a sum which is supposed to be a fair living salary, is paid out of the fees, the officer pays his fees over periodically, and he is paid back the proportionate sum representing a fixed salary. If the fees exceed that he does not get the surplus, if the fees fall short of that it is not made up to him, but if there is a deficiency in one year, it is made good out of the surplus of another year. What do you think of that system? He does not get more than the salary, and he does not get as much, if the fees fall short of it. Would that secure both objects, and make the officer alert in collecting all that could be collected? A.—Of course that would only apply where the salary and fees came pretty close to the same amount. If it was always over it would not have any effect..

Mr. Mason: In other words it would only be an inducement to the particular man to keep up the limit, and not go beyond it.

The Chancellor: Would not that be a criterion in this way: If you have a place where there is a pretty even balance, it is pretty clear then that the amount of fees is the right sum to be collected, but if there was clearly a surplus of fees, would not that clearly indicate to the Government that the fees ought to be reduced, that they were collecting more from them than necessary? A.—Yes. If you can devise any system which will enable the fees to be proportioned just to fit in to cover the expenses, that would be a very good scheme.

Q.—There is a difficulty of working that locally in each county? A.—Yes, no doubt. It could be more easily worked if there was one central office, and the others were deputy offices.

Q.—Any work in that direction, would it be more facilitated by keeping the manner of appointment as it is, in the hands of the Government, or by localizing it? A.—Oh, by keeping it in the hands of the Government, undoubtedly.

Q.—Any adjustment could be made with greater facility? A.—Yes.

Q.—Then as to the question of deputy registrars, and as to their payment, how would you provide for that, and for any extra assistance required? Registry offices are the most prominent, I believe? A.—I think the Government should have the say in the salary the deputies get. They should see that the deputies are properly paid.

Q.—How would it strike you, to have the compensation of these subordinate officials, and indeed perhaps of the registrars themselves, adjusted by conferences or arrangements between representative men, say, for instance, the warden representing the municipalities, the County Judge, representing the fixed element, and say the Inspector of Offices representing the provincial element? A.—The weakness of that would be that the salary that was thought fair by one local man would be thought quite unfair by another.

Q.—I was speaking of three, or any other body combining on what would be a fair thing. I suppose the expense of living differs in the different counties? A.—Yes; it would throw the responsibility upon the inspector. He would be the third man, as it were, and he would naturally have the most influence, and probably rightly too.

Q.—There might be a provision that if they disagree there would be a right of appeal to someone. If they all agreed, it would be pretty reasonable evidence, perhaps, that they were right? A.—There is perhaps one difficulty that might come in there. The registrars are appointed, sometimes, purely for political reasons, and really do not do any work. That is one of the greatest weaknesses. Some of them practically do no work.

Q.—The officers should work, in your opinion? A.—If you have one registrar who does a great deal of work himself, and is a worker, it would not be fair for him to pay as high a salary to his deputy as the man who really does no work at all.

Q.—Take the larger offices, in the cities for instance where the work is larger, proportionately, than in the counties, what do you say about the functions of the chief registrar? Should he do any clerical work, or would he be better occupied in supervising the work of the staff, because there would be a considerable staff in the larger offices? A.—Oh, yes; I do not think he should do the clerical work. He should check it.

Q.—Except the city offices, do you know anything about any county where the work is not done by the officer? I had the impression that in nearly all the counties the registrar himself was at work. It may not be so? A.—There are several registrars who do very little work, I know.

Q.—It is all done by deputy? A.—Yes.

Q.—And he really gets his salary and does nothing? A.—He gets his salary and does nothing.

Q.—What remedy would you suggest for that state of affairs? A.—There is only one remedy, and that is to make the proper appointment. That is the weakness of the appointment.

Q.—But taking the appointments as they are? A.—They ought to see that a good man is put there.

Q.—The registrar ought to do his share of the work? A.—Yes.

Mr. MASON: Or give way to somebody else? A.—Yes.

The CHANCELLOR: And he ought to be compensated only upon the footing of his doing a fair share of work? A.—Yes.

Q.—Assuming the present system is continued, and after paying a reasonable amount for salary and expenses there is a surplus, what would you propose to do with that surplus? You said that in theory, and no doubt you are right, it should go back to the persons who paid it? A.—Yes.

Q.—It would be impossible, of course, to carry that out in practice? A.—That would be impossible.

Q.—Except by reducing the fees? A.—Except by reducing the fees. If that is not done, the fairest way of dealing with it would be, of course, that the municipality should have it.

Q.—All of it? A.—I should say so, undoubtedly?

Q.—The municipality have to maintain the buildings? A.—Yes.

Q.—And make buildings fire-proof, when necessary, and that would be a fund out of which to render an equivalent? A.—Yes.

Mr. MASON: Some of these officials in the administration of justice get a salary from the Government as well as their fees. Should there be any surplus in their case; do you think it should all go to the municipality? A.—I am not sufficiently acquainted with their duties to know whether those officers who get such a fee are liable to do duty for the Government, or the general public, outside of their own particular district.

The CHANCELLOR: As to the sheriffs, I have made a computation from the returns, and, roughly speaking, the amount paid by private individuals is equal to what is paid by both Government and county. The county pays one-sixth, we will say, the Government pays two-sixths, and the litigants paid three-sixths, making the total of what goes to the sheriff. In case of a surplus in the instance of the sheriff's office, how would you say the surplus should go? A.—I should say that that would depend a good deal whether the work done was at all applicable to the county. If it was work done generally for the public at large, then the Government should have its proportion.

Mr. MASON: In the proportion in which the county and Government paid respectively? A.—Yes. From what enquiries I have made I do not find that there is very much grumbling as to fees except in connection with sheriff's fees in registration matters. I refer to the charge that the sheriff makes for a return in case of a mortgage. He is asked whether there is an execution or not, or a judgment, he simply certifies, and gets quite a fee. That seems to be the only grumble I know of. There is very little responsibility attached to it.

The CHANCELLOR: In the case of county sheriffs, the fees give them a very scanty living. You might dock the fees in the case of city sheriffs, in those matters, but it might be a very serious prejudice to the county sheriff who barely gets a living, and some of the county sheriffs do not get more than $1,100. A.—Quite true. That is the only real case of grumbling I find, and that causes, apparently, a good deal of grumbling.

Mr. B. E. WALKER, General Manager of the Bank of Commerce, appeared before the Commissioners, and was interrogated as follows:

The CHANCELLOR: How long have you been in the banking business? A.—32 years.

Q.—That has been your life employment? A.—Yes.

Q.—And you have had experience with municipal matters, necessarily, I suppose? A.—Somewhat.

Q.—You have had a list of the questions submitted to you, that are now under consideration? A.—I have.

Q.—What do you say as to the manner of appointment? A.—I should prefer that the appointment of all these officials should be by the province. If there is to be any change it should be merely with reference to giving power to the judges as to certain of the minor offices. I see no necessity for any change.

Q.—Formerly the division court clerks and bailiffs, I think, were appointed by the county judges? A.—I should think that quite as satisfactory a method of appointment for these officers as appointment by the Government, and perhaps more satisfactory.

Q.—But you would not advocate any change, as to any of these to the municipalities? A.—I would not. I do not think the method of appointment by the province is perfect, because there is nothing perfect in this world; but, considering all the difficulties that surround the selection of suitable officers for these positions, I think the Government is most likely to make the best selection. As to the position of sheriff, there are matters notoriously connected with that office in the United States, where the sheriffs are elected. In the first place he becomes, from the nature of his position, connected with politics; he is indeed a political leader, and is apt to be an intense partisan. That aspect of it, I think, is eminently bad, discreditable to the country, and interferes with the performance of his duties. He is not apt to be a man specially well trained for the peculiar duties of his office under these circumstances; indeed, he is not apt to be selected with much reference to his future for the office. As to all the officials connected with the administration of justice, after living nearly ten years in the United States, I feel in the strongest way that electing such officials is distinctly the wrong system: indeed, it is one of the most marked matters in which Canada is superior to the United States. Within the last fortnight I took two well-known Americans, one a banker, another a broker, through Osgoode Hall, and they spoke over and over again about the evil in their own country, and the inability to get good judges and good judicial officers, because of the elective system. One was the president of a large trust company, in Chicago, Mr. B. L Smith; and the other was a Mr. Baker. I have conversed frequently with eminent lawyers in New York, who admit that to be a great defect in their system.

Q.—What you say reminds me of what Mr. Nordhoff says in his book entitled "Politics for Young Americans:" "It is another grave fault of most of our state constitutions, that they interfere with the power of the governor to appoint his subordinates in the executive department, and thus weaken responsibility and cause confusion in the Government. Everywhere, also, a sheriff is elected in the county, whereas he ought to be appointed by the governor. He is the governor's lieutenant in the county; the peace officer who, in case of riot or public disturbance has a right to call out the body of citizens, and with whom, in all such emergencies, the governor communicates. His office which is, of right, a very

high and responsible one is now degraded; and, having large fees annexed to it, has long been one of the important political spoils." A.—That is well known. It is supposed, in New York city, by the average citizen, whether truly or not, that the sheriff hands back, by agreement made beforehand, a large part of his fees for political purposes.

Q.—$15,000 I saw mentioned as an assessment for a sheriff's office? A.—I should imagine it was higher than that sometimes. Then, as to registrars: I quite understand that at times men are made registrars from political reasons; but I certainly do not think the appointment by municipal authority would be any freer from that defect than the present method of appointment, and in my opinion not so free. Every county would certainly have men who would log-roll for the position, and find friends; and I do not think they would be so well selected as they are now.

Q.—Do you recognize that as being, in any sense, a municipal or local office? A.—I think not. I think it would be a grievous misfortune if the control over the registry system of the province were to pass out of the hands of the Provincial Government. It is not a county matter. The lender, in the majority of cases, does not reside in the county, though the borrower does; and I therefore look upon it as a provincial matter. The reason that a registry division happens to be a municipal division is because that is the most convenient political division to make for the purpose. As I say, for the most part the lender lives out of the district, and it is of course possible for a registrar to do wrong, by favoring local individuals; and the province owes it to the people, as a whole, to see that they are protected in that matter.

Remuneration.

There are only two conditions under which I would suppose a fixed salary to be preferable to fees, namely, in some very sparsely settled part of the country where there were not enough fees to pay an officer of sufficient experience, and in some places, exceptional ones, where the fees were too large. Personally I have never seen any evidence that there are any situations in Canada where the fees are too large, as they are in New York city. What I mean is this: If the sheriff's fees, in the city of Toronto, for instance, reached what is regarded by many people as a very large salary, $8,000 to $10,000 or $12,000 per year, I cannot imagine that that is necessarily inconsistent with the responsibility he undertakes. Sheriffs, in my experience, are at times called upon to take very, very large responsibilities indeed. In New York state I remember an instance where a sheriff had to decide whether he should seize certain goods against which an independent warehouseman had issued his receipt. That independent warehouseman was certainly responsible for his receipt, and yet the sheriff was called upon, by an order from the judge, to seize those goods and sell them. The amount involved might be hundreds of thousands of dollars, and in this particular case it was. There are responsibilities of that kind placed upon sheriffs, and it is the common system, the world over, that a man should be paid for the responsibility he undertakes. Therefore, I do not think there is anything in the argument that because a man is the sheriff of a city, and enjoys a salary which is larger than most other people, that he is not necessarily entitled to it, on the score of the labor of his office, and the responsibility attaching to it. I do not profess to be informed enough to speak very definitely on the subject. It is perfectly clear that in some new districts, Algoma, for instance, if they are not able to remunerate the public officials properly by fees, they should supplement their incomes.

Q.—Do you remember the Constitution of Michigan when, in '37 or '38 the people declared that the Judges of the Supreme Court should have $1,500 per year, and that that sum should never be increased by the people? A.—In that connection I remember, in 1876, a statement by the son of Chief Justice Cooley, a young lawyer, but a leading lawyer, in Bay City, viz., that they had exhausted all the aged reprobates, and where they were to get the next Judge at $1,500 a year he could not imagine. The situation existing at that time was common talk among the lawyers. One of my school-mates, a Canadian, early in his career, informed me that he intended to accept a Judgeship, because when he came to practice later on he would be an ex-Judge which would help him to build up a practice. I speak of John D. Lawson. A very distinguished man now. He was residing in New Jersey recently, to be near New York, but he was doing work for the State of California. His father, Joseph Lawson, lives in Toronto.

It seems to me that the rule, that the fees should increase in amount proportionately to the labor, while not a perfect system, is a fair system.

Q.—Then if the fees were to be commuted, or changed into a salary what steps do you think should be taken with a view to secure a fair amount to the recipient? A.—I cannot imagine anything but machinery created by the Government to ascertain the facts, in order that the salary might be proportionate to the labor in each case.

Q.—Would you favor the appointment of any boards, or any representatives of the different interests, in fixing salaries, representing the county interest for instance, the Dominion interest, or the Provincial interest? Do you think that would be a good plan? A.—I suppose that would be a good plan, but I should think it might be done by the natural machinery of the Provincial Government. If the other were done it would, to my mind, be only desirable in order to satisfy local feeling.

Q.—You think then that the Provincial Executive who have the responsibility of appointment and dismissal, and as to the efficiency of the service, should control the adjustment of fees or salaries? A.—Yes.

Q.—And to be responsible to the electorate? A.—Yes, generally, not by divisions.

Q.—You favor that as the simplest and most effective machinery? A.—Yes, and as something that is, in a sense, due by the province to the lenders, so far as registrars are concerned. As to the payment of deputies, I agree pretty much with what Mr. Osler said. I think the salaries of the deputies should be fixed by the Government, or whatever machinery the Government establishes in connection with the inspection of registry offices. I do not think that the registrar should be allowed, on the one hand, to employ whom he likes, and at the same time pay him whatever salary he pleases. I think the deputy should be appointed by the registrar, with the sanction, or with a vote power at least, on the part of the Government. I think the registrar should have his selection, for the reason that he should not be asked to be responsible for the work of an officer forced upon him by the Government. I think the Government should practically assume the responsibility for the registry service as a whole, and if we were talking about a business institution we would look upon the registrar as a kind of manager of the establishment, and whoever was the inspector, or whoever was deputed by the Government to inspect the condition of the registry offices should certainly indicate, in each case, the extent of the registrar's duties.

Q.—You speak of it as a business matter? A.—Yes.

Q.—In looking at the system as a business matter what would you say as to the manner of management of all these administrative offices? A.—Well, the registrarship, I suppose, is a type of the others. I cannot say that I am as well acquainted with some of the others. I look at it in this way, that the Government has undertaken to provide a registry service for the people of the province in the matter of registering deeds, mortgages, and other documents. It is a business service. The work and the responsibility is paid for by fees by the people, and it should be carried out in just the same way as any other business service. If so carried out, the Government would naturally have officers to inspect these various establishments. I think the Government ought to approve of the buildings used for registry offices, and of the way in which records should be kept; also of the duties of the registrar, and the duties of the deputy registrar, just as it would all be managed if the Government farmed out that service to some business institution. The nearer we approach to that state the more perfect the service would be. I cannot suggest any better plan than charging fees to the people for whom the service is rendered.

Q.—Then having a proper scale of fees, the officials should receive those as compensation, and the best service should be rendered in proportion to the fees given? A.—Yes. I can imagine a time in Canada when it may be necessary to deal with particular situations, where fees in very large cities may be abnormally large, but I have seen no situation of that kind as yet. Most of our public officials are rather under than over-paid.

Q.—In some of the states of the Union where the county contains 150,000 population, salaries are fixed for all the officers. That, I suppose, is because the fees are very large? A.—Yes. I have no doubt we will arrive at such a condition, but I see no evidence of it yet in this country.

Q.—Then with reference to the under-payment, you have many agencies in your bank, and many offices scattered throughout the country; you know what rate of compensation you give your officials corresponding to their responsibility, their position, experience, and so on. Judging from that, applying the business test, what would you say would be a reasonable compensation, take the minimum compensation for the duties of a sheriff in the average county? A.—We have managers receiving from say $1,500 in country places, to $3,500, or $4,000, outside of the large cities, but those who have less than $2,000 to $2,200 are young men who have the prospect of increase to those larger figures distinctly ahead of them.

Q.—What is your average in the country offices? A.—I should say $2,500 or $3,000 is what I would expect a man of 40, or thereabouts, to earn as a country manager. You must remember he is able to relieve himself of much of the responsibility connected with his business by reference to his superior officers. He has not as a rule the resposibility of a sheriff.

Mr. ROBINSON: Beyond a certain amount for discount he has to refer to headquarters? A.—Yes. As to responsibility I would say there is a fair comparison between such an officer, and a sheriff.

The CHANCELLOR: As to the registrar, would you say the same? Would you put him on the same par with the sheriff? A.—Yes.

Q.—Then as to the head clerks in these country places, would you state the average salary they get, because there are some deputy officers to be dealt with? A.—$800 to $1,200, but I do not think the comparison there, is a very fair one, because our men are usually quite young. They have the probability ahead of them of becoming managers. The deputy registrar has very little prospect of improvement, so that his salary should, I think, be more, as a rule, than the accountant of the country office of a bank.

Mr. MASON: You resided for some years in New York? A.—Yes; eight years altogether, as the agent of the Canadian Bank of Commerce.

Q.—And you had frequent opportunities of forming an opinion on these matters? A.—Yes; I had the opportunities of the ordinary business man there.

Mr. ROBINSON: Then you are decidedly of opinion, from what you have seen there, and in this country, touching the larger offices, such as the sheriff, and the registrar, that the appointment should not be voted upon by the people, or left to the county council, but should be as they are now, in the hands of the Government? A.—I think so, distinctly.

Mr. MASON: If the fees went beyond a certain sum, beyond what was considered reasonable compensation, what would you suggest as to the surplus? A.—I would regard it as a provincial matter, and the surplus at one point, beyond what was fixed as a maximum salary, would go to make supplement the incomes in places where the fees would not maintain the officer. The same thing should apply to registrars. In the new District of Algoma, for instance, it is most important that the registrars should be competent men, yet the fees are probably very small.

The CHANCELLOR: What would you say, in that case, about consolidating the offices, instead of having separate officials, and separating as the population increased? A.—I should think that would be an improvement. That has been a most serious trouble through all the valuable pine-land district of Michigan, where the pine goes with the land, and not under leases, as it is here. Much trouble arose from the very poor registrars they had in the early times in that state. Most serious difficulties as to the title to property occurred from the fact that the registrars were quite ignorant men. I remember an instance where our present assistant-general manager, Mr. Plummer, had to register a chattel mortgage on behalf of the Bank of Commerce in Michigan. The registrar was a farmer in a settlement not twenty miles from Bay City, and he was so ignorant that Mr. Plummer, with his permission, made the record upon the books himself because he could not feel that it would be properly made by such a man.

Mr. ROBINSON: Was he voted in by the people? A.—Oh, yes. I remember another piece of land in connection with that same interest of the bank, where two titles ran for twenty years without the knowledge of either of the two that there were separate titles, and a cause of action came up twenty years afterwards as to which of these two titles was correct. The trouble arose from the registrar getting an attachment process from the sheriff. Not understanding what to do with it he pasted it in the back of the registration book, where it was lost sight of.

Q.—In crowded cities, where the officers are elected, have you heard of errors that have arisen? A.—I have heard of such things, but I recollect of no instance at the moment.

Q.—Papers have been written on that subject by bank officers in the States? A.—Yes; I have read such papers.

Mr. MASON: In your experience in New York have you ever come across what are known as abstract offices, run by private enterprise, as it were? A.—Yes.

The CHANCELLOR: Guarantee Title Companies? A.—Yes.

Q.—Why is that? A.—Well, it is almost impossible to get the abstract of titles through the ordinary registry office; it takes too long a time. It has paid these companies to have them on hand.

Mr. MASON: Do the customers of these offices seem to think they have a better guarantee of the correctness of the abstracts they get? A.—The Abstract and Title Guarantee Company of New York practically belongs to the lawyers, who have taken the matter in their own hands. I do not profess to be intimately acquainted with it, but I know it has been a great success.

The CHANCELLOR: Do you know whether it is a growth of the elective system? A.—I would suppose that it was. I never discussed the matter from that point of view in New York. I know if I were buying property in New York, from the difficulty that surrounds the public offices, I would take an abstract from the Title Guarantee Company at once.

Mr. MASON: You would feel safer? A.—Yes. Delay from bad administration, and serious errors from the same cause, have brought about the Title Guarantee Companies.

(Adjournment until 2.30 Tuesday.)

CHARLES LINDSEY, examined by the CHAIRMAN:

Q.—You have been in the registry offices, how long? A.—Since 1867.

Q.—And in municipal matters you have had a wide experience, as a newspaper editor and so on? A.—I generally knew what was going on in that respect, though I perhaps knew more of Government matters, to which my attention was more specially directed.

Q.—What opinion have you formed in regard to the manner of appointment to offices such as your own and that of sheriffs, and the other so-called county officers that have been brought before us? A.—It appears to me that none of them, especially registrars, of which I know most, are in any proper sense county officers. Indeed, the registry office is not necessarily even localized. I believe Scotland gets along with only one registry office, one head office. I do not see how county councils could very well appoint these officers; there are many difficulties in the way. Of course they could do it, but I think the registrar and most of the other officers ought to be responsible directly to the Government, they being under one common law. There would be great difficulty in properly inspecting these offices if they were under a variety of municipalities, as the municipalities have not proper machinery for inspecting them; it requires a certain degree of expert knowledge which a man acquires by experience, and which a municipality could not command; they could not appoint a person and pay him any reasonable salary for inspecting one office.

Q.—It is said by some that if the municipality had the appointment and the Government the inspection, that would be a better system? A.—That would be a possible thing, but it would be an anomaly. I cannot see how it would improve matters in any respect. That aspect of it is purely a matter of patronage, as to who shall appoint.

Q.—As a matter of patronage, in which hands would it be best to have it, in the hands of the Government or the municipality? A.—I should think that on the whole the Government would make the better appointments.

Q.—Why do you think that? A.—Because they have to give their attention to that particular thing, they are men trained to administration themselves, and have a knowledge of the sort of officers who should be selected for those positions, which are administrative in their character. But the great thing is that municipal autonomy, in its nature and aptitudes, does not extend to these offices. It is as necessary that the dividing line between the municipality and the Provincial Government should be distinctly drawn as it is that the line between the powers of the Federal and the Provincial Governments should be made clear. Encroachments in any of these cases are of dangerous tendency. The most extreme case of the kind is the municipality of Paris assuming to govern France in a paroxysm of revolutionary fervor. If the registry offices were municipal in their nature and in fact, then they would be worked as a branch of the municipal administration, and worked, I have no doubt, at greatly increased cost. If a clerkship becomes vacant aldermen would be importuned to obtain it for a score of candidates, and the effect of this young patronage would be in danger of making itself injuriously felt.

Q.—You are speaking of appointment by county councils; what do you say as to election by the popular vote? A.—I should think that a still worse thing. You would get men in these offices whose principal qualification was their ability to command votes, and that certainly would not be the best qualification.

Q.—Have you any knowledge or opinion as to the effect of increasing the number of elective offices to be voted on by the people? A.—As to what effect has been produced by increasing the number of elective officers?

Q.—What is the effect on the men appointed in your judgment? Take a batch of people to be elected, ten, fifteen or twenty, from constables up to judges? A.—If one may judge by the way in which egistry offices are conducted in the United States, where the officers are elected, we see the absurdity of that method. The registry offices there are for the most part of no use; it is almost impossible to go in and search a title there. I was in the registry office in Chicago, some years ago, and I made some inquiries about New York from a rich man who had had extensive dealings with the office there, as a buyer and seller of real estate. I learned that they do not give any abstracts at all; you cannot get an abstract from the registrar in most of the States, I believe.

Mr. Robinson: Q.—Do they report to their Governor? A.—I do not know about that, but they do not give abstracts. In Chicago, the registrar, when I was there, allowed certain solicitors privileges in the office which other people did not have; they could go there at any time and get any information that is useful to them. These men go in every day and take a note of every instrument registered, and they systematize that information themselves, instead of the registrar doing it as is the case here. If anybody sends to our office for an abstract of title, the average cost is only about $1.70, whereas under the American system it costs $40, $50 or even $60, because there you have to deal

not with the officials themselves, but with private parties carrying on the business to make money out of it, abstract firms, who, among other things, sometimes become guarantors of titles. That is under the system of election, which certainly works very badly in the public interest.

The CHAIRMAN: Q.—Are you able to say, taking the aggregate of deeds registered in a year, what would be the average cost per deed, in a rough way? A.—The average cost of each instrument registered in my office last year was $1.52. What brings up the average is the increasing length of mortgage forms, especially those used by companies that are lending, putting in all sorts of things to guard themselves.

Q.—Special provisions? A.—Yes; special provisions. There is one printed form of mortgage which contains 2,525 words and costs $3.55. The statutory mortgage, allowing for the ordinary description only, amounts to nine folios at 15 cents, that is $1.70. That is what is called the short form, it is the statutory form. There is a short and a shorter form of deed; of the latter the number of printed words is only 400. That was introduced by Mr. Mowat, to make them as short as possible, but it has been very little used, one containing 100 words more being generally preferred.

Q.—You gave as a reason for preferring the present system of appointment by the Government over that of appointment by county councils that the Government was made up of men skilled in executive work. Do you know about the average number that composes a county council? A.—No; I do not.

Q.—Probably from 25 to 30 or 40? A.—Yes.

Q.—What would you say as to the competency of such a body as that to choose to advantage as compared with a body of six or seven? A.—It would necessarily be much lower, because if you take any large body of a representative kind its members have not the same opportunity of experience that a select number of expert administrators have. As you diminish the number you increase the capacity for the best selection.

Q.—And as to the responsibility where you have forty men as compared with six or seven? A.—You divide the responsibility over a wider area and diminish the individual responsibility.

Q.—Which would be likely to make the better selection, forty county councillors or seven Cabinet Ministers? A.—Of course it is not to be supposed that the county council would not occasionally make a good choice, but we have to deal with averages, and on the average I would say that the Cabinet Ministers would be likely to make the better selection.

Q.—The Cabinet Ministers would be responsible to Parliament at once, and the county councils only to the electors? A.—You can bring a responsible Government into action at once; if the government appoints a bad registrar it can itself be called to account in Parliament. You can have no better system of responsibility than what we call responsible government.

Q.—They are responsible to the people, and to the House at once. Then as to the management of the offices, with reference to the deputies, assistants and so on, speaking particularly with reference to your own office, what have you to say as to that? A.—My office is in a rather exceptional position. The Legislature has appointed one officer called an abstract clerk. That applies to the two offices; it was one of the consequences of the division. He was a man who was

doing a certain kind of work there, and familiar with the details, and it was thought that it was desirable that his services should be utilized with regard to both offices more or less. He was appointed by the statute providing for the division. His name is Mr. Layburn; he is called the abstract clerk, and from that title the public would naturally suppose that he enters in the books the abstracts of the instruments. It so happens, however, that he does not, and he makes out only some of those which are given out to the public; there is another deputy who enters the abstracts in the books.

Q.—I was inquiring more particularly as to how the deputies should be appointed and remunerated? A.—Clearly they should be appointed by the registrar, otherwise we would have all sorts of trouble.

Q.—You think the chief of the department should appoint the subordinates? A.—I do, decidedly.

Q.—And for what reason, do you say? A.—Well, otherwise you would have two heads in one office, and they would be pulling opposite ways; the responsibility would be divided, and how could you have a registrar responsible for the acts of some person over whom he had no control?

Q.—Does your remark apply to the officers generally, that if you have an officer appointed by one authority and subordinate to another it is likely to breed confusion in the office? A.—Undoubtedly; and all sorts of intrigues would be set on foot.

Q.—What has been the experience, do you know from observation or in any other way, of the system of elective officers in the United States on the subordination of the department? A.—My idea from what I have found is this. If an officer is elected to perform certain executive duties, he stands on the same footing as the Legislature itself; he is elected by the same authority, and is responsible to nobody else. I think the best writers on constitutional matters in Europe disapprove of that mode of appointment.

Q.—Is it the tendency for a man so elected to look forward to being re-elected, to neglect his duty, knowing that however he may do so it will not effect his re-election? Does he seek to perform his work faithfully and efficiently, or rather devote his energies to canvassing as to the best means by which he can be re-elected? A.—As a general thing he pulls all the wires he can in order that he may be re-elected.

Q.—Of course that danger would obtain if the election were for any short period, but I suppose if the officer were elected for life or during good behaviour that objection would not prevail? A.—Undoubtedly not.

Q.—The difficulty then would be the subordination of that officer to another who has not appointed him? A.—There is no doubt it is difficult to make a man who has been elected by popular vote responsible to some other persons who are being elected in the same way. He looks upon his authority as being on a par with theirs.

Q.—Then you say that to have efficient service the chief officer should have the appointment of his deputies. Would that be subject to the approval or supervision of a higher authority, or by arbitrary right? A.—Well, there might be appeals in certain cases, perhaps, if there was anything to complain of.

Q.—As to the manner of remuneration, how would you fix that? Would you leave it to the option of the chief, or have it supervised by some other authority? A.—It is a matter of bargain and arrangement, like any other service.

Q.—You would liken it, then, to the manner in which a man would conduct his own business if he were a merchant, as to getting assistance? A.—Largely so. It is obvious that if some outside authority had power to appoint merchants or registrar's clerk, the element of patronage would involve extra cost, and a large number of people would become interested in maintaining a system which worked injuriously.

Q.—The next branch of the inquiry is as to the manner of remunerating the officers named, whether by a fixed amount or by fees; what do you say as to that, Mr. Lindsey? A.—I should think as far as the officers themselves are concerned they would prefer to have a fixed rate of remuneration or salary, but that is only one side of the question. The business fluctuates immensely in many of the offices according to the fluctuations in the movement of real estate. So long as there is a sufficient amount coming in it is all right, but it would not seem reasonable that you should pay a fixed salary out of your own pocket either, would it. There is much difference in different years in the responsibility, which is really one of the main things with a registrar, that his remuneration more properly fluctuates with the business, and the responsibility. This responsibility is something which it is not possible to subject to any fixed rule of average; you cannot say what it will come to in any particular time in the way of damages. No doubt you can get insurance companies to insure against damages, but that is not an absolute insurance; the company does not intend to pay anything until all the resources of the officer have been exhausted; it is not like buying life insurance or fire insurance absolutely.

Q.—How many clerks have you in your office? A.—I have had as many as twenty-eight for a while.

Q.—That was during the boom period? A.—Yes.

Q.—What is a fair yearly average? A.—I think I had for a long time about eighteen.

Q.—You are liable, of course, for any mistake made by any of those clerks? A.—Yes; and I have actually paid in the last ten years nearly $2,500.

Q.—For what? A.—On account of errors or omissions made by clerks. I found that two of them, one an Oxford graduate and another a man who had been employed by the British Government, and got a good retiring allowance, actually made mistakes on purpose, which cost me a large sum of money. And three several sums, all small, were paid to lawyers for damages real or alleged.

Q.—What do you say about the division of registry offices; do you think it is a wise or an unwise plan to divide offices when they attain certain proportions, or would it be more economical to form a combination of large districts in one office? A.—Well, the convenience of offices in every county is very considerable, and there ought not to be less than one in that case.

Q.—What is the object of dividing it in cities? A.—Well, in cities, unless they are very large, or there is a great rush, it would not be advisable to divide them. In Toronto there was a different state of things. There was an immense amount of business coming on with a rush, for which it was very difficult to provide. The office accommodation was insufficient; and although the municipality

was receiving a large sum of money every year, some years nearer $20,000 than $19,000; in the whole, I suppose, something like $140,000, they were not always in a hurry to afford accommodation, or to do their part; and we were badly off for accommodation for a long time, and worked under great difficulties. In advising the division of the Toronto office, I recognized that, for a year or two, the net revenue of the office and the responsibility were greater than ought to go to a single individual.

Q.—Do you know the plan pursued in other countries as to separating offices, dividing districts and so on, as to what reasons lead to it? A.—Well, I do not know much about that. They have them in every county as a rule, I think, in the United States.

Q.—Have they sometimes two in a county? A.—Oh yes, no doubt; I do not mean to say that they should be confined to that, that there should be only one in a county; when they grow extremely large they become unwieldly. In large offices, take New York for instance, instead of an abstract being made and entered upon any particular lot, everything is jumbled together just as it comes in.

Q.—That is a want of system in conducting the business? A.—Of course it is.

Q.—But take a large office in which there is a staff of, say from ten to twenty, how do you think the chief officer should occupy his time to the greatest advantage? A.—Well, there is one thing he cannot do, he cannot work out the details himself. What I did was to organize and direct an efficient staff, so as to provide for a complete subdivision of the labor; that is the only way confusion can be avoided and the thing worked properly. One person who has become familiar with the details of that work is always ready to show any searcher anything he may require, to tell him anything he could not find out himself. We are all the time affording and ever volunteering information. In fact, some young men who come there to search could not do it without such assistance. A good deal of this takes the time of Mr. Layburn, the abstract clerk. We used to have another clerk, whose time was devoted to receiving instruments alone and keeping the accounts; and another to make the abstracts. Another would make the abstract index; and besides these there are the copying clerks. By working in that way, we could get everything done to the moment. When an abstract is called for, it is always given either on the same day or on the next day.

Q.—In a large office the work of the chief would be to supervise. In smaller offices he would do the work? A.—In smaller offices he would not have the same amount of supervision to exercise, and would necessarily have to work out the details.

Q.—Has your attention been called to the changes made in Quebec in the last two or three years, by which a salary is given in the larger offices? A.—I didn't know that; I was not aware of it. But in Lower Canada they had a very bad system; they had a complete block up. The Attorney-General, a few years ago, stated in the House that in the city of Montreal it was impossible to get an abstract in less than four months.

Q.—Have you anything to say in the way of a reduction of fees, the surplus? A.—The fee, so called, is surcharged with a double tax, it embraces the amount of rebate paid to the municipality and a tax to the Government; this part of the

fees is in fact a tax on registration, and that is the name by which it ought to be called; it is the name by which it is known in Europe wherever it has existed. It has existed both in France and in other countries.

Q.—There should not be a surplus? A.—There should not be a surplus, but I am afraid you cannot provide against a surplus. There should be nothing more than will renumerate the municipality for any expense it goes to, if possible. But as the amount received from the various offices differs so very much, you cannot adjust it so as to have no surplus in some of the larger offices.

Q.—You mean that you cannot reduce the fees? A.—Well, you cannot reduce the fees generally and leave enough to pay the small offices; it is impossible.

Q.—The reduction would have to be in the larger offices, where there is a surplus, if at all? A.—Yes, just so. That is a thing I suggested to Mr. Blake one time, when he was altering the Registry Act; but he replied, and very properly, that it was necessary to have a uniform rate of payment.

Mr. HOBSON: Does not it take most of the surplus to pay the municipalities for the cost they are put to in fitting up these offices? A.—I do not know so much about other places, but in Toronto the municipality has got over $150,000 altogether, while the cost of the buildings here has been about $40,000; and there are extraordinary expenses in Toronto payable by the municipality for the purpose of improving the system of registration. It had become so exceedingly cumbrous that it was absolutely necessary to do something with it. There were registrations to the number of several thousand upon a single original lot. Well, it was a terrible thing to go through all those. The difficulty was brought before the Government, partly by myself and partly by the Law Society, and a plan was adopted to improve the registration machinery, which cost the city a considerable sum; what I paid out myself was over $7,000.

Q.—If there has to be a surplus, what should be the application of that surplus, should it go to the municipality, to the province, or how? A.—I think it should go to the municipality, reserving to the Government enough to pay for inspection, inasmuch as it largely arises in the locality in which the registry office is situated, and also as a means of reimbursing the municipality for the expense or part of the expense, as the case may be, it is put to, unless the Government were to undertake the expense; of course that would be a different thing altogether.

Q.—I see that in Quebec the surplus goes to the Provincial Government? A.—Oh yes, it does. One reason for that may be that they never commenced the other system; they commenced their rebate system in that way, and having a choice of method they could more easily do it than a change could be made here now perhaps.

Q.—You speak almost as if you had some thought of the Torrens system; do you think it is likely to supersede the present system? A.—It seems to me that is not likely to; the number brought under the Torrens system was only eighteen in Toronto and the county of York last year.

Q.—Are the merits of the system such as to make it preferable to the present system? A.—I should think it is an admirable system if you begin with it from the Crown, but I made a rough calculation once, and got as near the facts as I could, and I think to apply it in full, allowing fifty dollars for the cost of bringing in each lot, in Ontario it would cost many millions of dollars.

Q.—Is it good for a new country? A.—Good for a new country no doubt, because you have none of this trouble to deal with.

Mr. MASON: Speaking of the division of the registry offices in large places like Toronto, would the same reason apply to it as in the case of banks or the collection of water rates or taxes, where the work is so voluminous that it is necessary to divide it for the convenience of the public; in other words, does the work become so voluminous that delays necessarily ensue, and the public are impeded in obtaining what they want? A.—Well, in Toronto I think there were good reasons for the division.

Q.—Would those be some of the reasons? A.—Well, there was difficulty in working in the office with the appliances we had, but we managed to get on fairly well. The municipality in fact did not supply us with the accommodation it should have done, and one time in winter we had the side wall of the building pulled out and we could not work. There was obstruction in the way, and the business of the office was carried on with great difficulty.

Q.—Do you think the division has resulted in greater convenience to the public who use the office? A.—Well, that was the case no doubt. The business has diminished so much now that the whole of it, if it had not been divided could have been done in one. We have to do with extreme cases, of course. When the division was made a very different state of things existed from what is now prevalent.

Q.—Is that diminution of business in your office only temporary, or is it likely to be permanent? A.—The fluctuation in the movement in real estate in all American cities has been in fits and starts. New York has come through the same experience that we have gone through, and nearly every other city. I have no doubt that the extreme slackness of movement in real estate will last a good long time, because the business expanded so much more than the actual demand for utilization called for.

The CHAIRMAN: Q.—Do you think there is any reason for uniting the offices again? A.—Well, if one registrar died————

Q.—I am assuming that too? A.—You might possibly unite them. I do not see why you could not, especially as the buildings of both are under one roof. However, if the dimensions of the business were to become overgrown again I think it would be better for them, in any case, to remain separate.

Q.—Then it depends on the bulk of business? A.—Yes.

Mr. MASON: Q.—In other words, if there is a very large volume of business it would be better to have two supervisors than one? A.—I think so. It is not desirable to put so enormous a responsibility on one.

Q.—You said that in your opinion the surplus fees ought to be given to the municipality? A.—I certainly think so, with the exception named, so long as the municipality is charged with something in connection with the maintenance of the buildings of the office. If the Government were to assume the whole charge, it would be a different thing; but I imagine it would be difficult to make the change.

Q.—Would it be any reason also that the work is paid for to a great extent by people living in the locality, and although you cannot return the surplus direct to them you can get nearer them by returning it to the municipality? A.—Yes; there is no doubt of that.

Q.—What proportion of the work done in your office, for instance, is paid for by local people; that is, people living in Toronto and its vicinity, and people living outside of Toronto? A.—The great bulk of it comes from Toronto.

The CHAIRMAN: Q.—Would that be so in the county, though? A.—I should think not to anything like the same extent, because the great loan companies have their centres in principal cities.

Mr. ROBINSON: Q.—There is a great deal of money being invested in America that is owned by foreigners, particularly English people? A.—Yes; no doubt there is a great deal. With regard to that question Americans have got some statistics on the subject. I do not know whether their experience would apply or not, but they have found out, I think through the census, exactly how much of the money loaned on real estate is owned in the county in some of the states, and how much comes from the east, because the east is their great reservoir of capital, Boston and that neighborhood, and they have found out that 45 per cent. of it is loaned in the county itself or mortgages given. Now, that may be misleading in this way: A farmer buys a piece of land and gives a mortgage for the balance unpaid, and you could not always easily tell whether it was for borrowed money or for the balance of payment. He owes that much money in the county, but he did not borrow the money; what he borrowed was land.

Mr. MASON: Q.—With regard to mortgages, I suppose in practically almost every case the fee would be paid by a person in the locality, by the mortgagor? A.—There is some rule with regard to it, I think I think when a deed and mortgage passes they swap donkeys. But the mortgagor, being the man for whose benefit the loan is made, must of course pay everything, that is clear.

Q.—Is the fee charged for recording an instrument a fair and reasonable one in your opinion? A.—I think so, I think it is a very moderate charge. I do not think, during the whole tenure of my office, I have received as large a fee as $20 for searching on any required number of lots, dealt with at one time, more than three times, and once it was on land I sold myself. That is apart from the fee for registry. That, I think, is very reasonable. It may be more than is paid in some of the states, but it is a good deal less, I think, than is paid in others.

Q.—Would that also apply to the cost of getting an abstract? A.—In an extraordinary degree. The average charge for abstracts in my office for the last three months was $1.75, while in the United States it would certainly not be less than from $40 to $60, not paid to a registrar, but to somebody else. It costs the purchaser of the abstract that much owing to the defects of the system. Ours is a very good system.

Q.—Have you ever thought that the magnitude of a transaction should have any bearing on the fee charged? In other words, I sell a lot for $100 and register it, and it costs so much, and I sell another for $10,000 and the fee for registration is just the same. Have you ever thought whether there should be any greater or less charge? A.—That would be very difficult to adjust. No doubt when a registrar registers a $100,000 mortgage there is an enhanced responsibility; a much greater responsibility than when it is $100. It would be reasonable, but I do not know that it is possible.

Mr. HOBSON: Q.—Do you think the revenue of a registry office would be as great if the registrar was working under salary? A.—I do not, take it altogether. It ought to be the same of course, if the law was the same, or the charges the same, but carelessness might creep in perhaps, it would be very likely to.

Q.—What I mean is this, would not the registrar, having no interest in the amount charged himself, be very likely to let a good many searches go without strictly charging up to the last cent? A.—I think that would be very liable to happen in many cases, the tendency would be to that danger.

Mr. ROBINSON: Q.—Did you examine or investigate this office in Chicago in a business way, the faulty system which you have mentioned? A.—No; I merely ascertained from the registrar that they gave no abstracts at all. I believe they now give abstracts of negotiations subsequent to the period of the great fire; but I understand that the business is still mainly in the hands of abstract firms. People there seldom depend on the registry office; they are, in fact, obliged to go to an abstract firm, they are in the hands of those abstract firms.

Mr. ROBINSON: Q.—Does the registrar receive about the same remuneration you do? A.—A great deal more. The registrar of New York once received about $40,000, and in Chicago the amount is very large on account of the enormous business. In one city the registrar is now on a salary of $6,000 a year.

Q.—Are you aware whether the system you have described is confined to Chicago? A.—No; it is the same in New York, and they are now discussing whether they should register anything against any particular lot. There is a strong prejudice, connected no doubt with some interest, against it.

Q.—Is the abstract clerk you spoke of as being appointed by the Government here, independent of your instructions? A.—No; a representative of the Government and I arranged his duties; he is my first deputy as well as being abstract clerk, and therefore he is answerable to me in that capacity entirely.

Q.—Is there anything else that suggests itself to you about which you have not been asked? A.—I might have said that the fees received for abstracts do not pay the cost of making them, and never have done since I have been in the office.

D. R. WILKIE, examined by the CHAIRMAN:

Q.—What is your position in the bank, Mr. Wilkie, and how long have you occupied it? A.—I have been cashier of the Imperial Bank since it commenced business in 1875; I have been in the banking business over thirty years.

Q.—That has been your business? A.—Yes.

Q.—You have been president of the Toronto Board of Trade? A.—I was, last year, president of the Toronto Board of Trade.

Q.—Have you a general knowledge of municipal matters, the registration of instruments, and so on, from your position in the bank? A.—I have had some experience, but not of a very extensive character.

Q.—Have you considered the question which we are investigating? A.—Since I received the summons I have done what I could to inform myself.

Q.—What conclusion have you come to? A.—Well, I might say to start with that I think there are those who could give very much better answers than I could, men who have had more frequent dealings with these officers. I hardly think it would be difficult to get at the facts. For myself, speaking as an outsider, if I may speak in that way, as a business man, I should think it would be a very great mistake to make any change in the mode of appointment to offices

of that character. I should think it would be very dangerous to introduce the elective system, or to hand over the appointments to county councils. There would be no method of supervision, and, altogether, I think the present method of nominating and appointing these officers is the only one that should prevail.

Q.—That is as to appointment by county councils and election by the people? A.—Yes; I do not approve of either; and with those views of course it is not necessary to answer several of the other questions that appear on the paper.

Q.—What do you think as to the present system? A.—I think if the elective system is once introduced it cannot stop at any particular office; if registrars can be elected, other officers might also be elected and then we would come to elect our judges, which I think would be a great calamity. In fact I think there is no end to the argument in favor of the elective system if the principle is once admitted; there is no office it can stop short of.

Q.—It is the system in the United States, from judges down to town councillors? A.—Yes.

Mr. Robinson: Not in all the states.

The Chairman: There are some exceptions.

The Chairman: Q.—Then as to the manner of compensation of these officers? A.—I have no hesitation in saying that it should be by salary. I think the fees system is most injurious, not only to the Government, but to the public generally. I notice in looking over the returns that wherever the fees have been commuted they are not as great as they were before. That indicates, if the officer has not neglected his duty—and I suppose it would be reported if he had—that the fees are in many instances made by the officials for the purpose of filling their own pockets. I need not mention the offices I refer to.

Q.—The theory and understanding is that the fees are all fixed by tariff, and that an officer cannot collect more than a certain amount of fees for certain services. What you speak of might imply that he was remiss, or that there was not the same astuteness in collecting fees for the Government that there would have been in collecting them for himself? A.—Well, in such a case I suppose it would be the duty of the Government to hold an inquiry and ascertain.

Q.—Could not the benefits of the two systems be combined by saying that a fee shall be collected for the service as heretofore, and the officer shall pay this into the treasury and receive a fixed salary out of it? A.—Yes; that is exactly what I mean, but still the salary should not be dependent entirely upon the fees.

Q.—In some of the United States where the fees exceed the fixed salary they are deposited to a separate account, and if the fees fall off below the amount of the fixed salary this account is drawn upon to make up the deficit, and if the fees on the whole fall short the loss comes upon the man who is the recipient of the fees? A.—That is all right if the basis of remuneration is properly considered in the first place, if they are allowed in proportion to their responsibilities and the work done. In looking over the report of Mr. Fleming, the Inspector of Legal Offices, I can see many instances of men who are receiving pay far beyond their responsibility and deserts, who are paid by fees.

Q.—You might indicate those without mentioning the names? A.—I should hardly like to do so, but anyone in looking over Mr. Fleming's report will, I think, readily observe them. I would not like to mention any in particular.

Q.—Are they a class of officers, or individuals? A.—They are classes of officers and there are individuals who have been appointed to offices for one reason or another, and whose duties are in many instances performed by subordinates. The holders of the offices might really just as well be in the south of France and enjoy the emoluments. I doubt if some of the judges have as large an income as many of them.

Mr. MASON: Q.—How many out of the whole lot that you have gone over would that apply to? A.—A good many of them.

Q.—A dozen? A.—Yes.

Q.—More? A.—Yes, sir. I think there is an immense amount of money wasted in the province in the shape of fees paid to officials who should be satisfied, and who would be satisfied with a much smaller remuneration.

Mr. HOBSON: Q.—In the particular class of officers we are dealing with do you think there is much to complain of, that is registrars and sheriffs? A.—Every dollar that is spent in litigation is, I was going to say, so much lost, but not that perhaps, because the experience is of value to others, but I think the tendency of to-day is to minimize the expense that an innocent person is put to in connection with legal expenditure.

The CHAIRMAN: Q.—Would you suggest that these services should be paid for in any other way? Should the expense fall upon the public or upon the individual who calls forth the service? A.—There are certain duties performed by the officials which are public duties, and others which are for the individual, and for which the individual should pay.

Q.—Take the costs of litigation and the expenses of court officials and so on, do you think they should be borne by the litigants or by the public? A.—Partly by the litigants and partly by the public. I do not see why the individual should bear all the expense.

Q.—Of course that is not so now; the judges are paid by the Government, and the fees go generally to the subordinate officials? A.—Yes; and the subordinate official often obtains more payment from the fees than his superior receives.

Q.—Then the moment you reach a point where there is a superfluity of fees——? A.—A check should be applied.

Q.—Either by fixing the salary and funding the fees, or by reducing the fees? A.—Yes.

Q.—Which do you say? A.—I am not sufficiently conversant with the details of the matter to express an opinion, but from what I do know I should be inclined to think that when the fees have reached a certain sum the surplus should be handed over to the Government of the province, which would put them in possession of moneys which they are now obliged to obtain by premature sales of timber and other property belonging to the Government. They are forced now to devise new taxes and dispose of property to meet expenditures which I think might in a measure be provided for out of these very fees.

Q.—A government is always a tremendously expensive machine? A.—Yes; I know that. But these fees are outside of the Government, and the duties of the officials are such that the time expended on them trifling compared with the remuneration in many instances.

Q.—I suppose the civil service everywhere is more or less marked by that? A.—I refer more particularly to officials who are paid by fees, who can hand over their responsibilities and their duties to others.

Q.—You mean that the official should give his personal services? A.—Or else the remuneration should be limited to the value of the services.

Q.—Take the case of a large office where there is a great deal of administrative work, where a number of clerks are employed. How would you say the head of that office should be employed? Take the registrarship, for instance, or the sherriff's office, the larger offices. In an office of that kind where a good deal of supervision is required, should the head of the office have detailed duties? A.—I think he should be responsible for the performance of those duties by some one else, if he does not prefer them himself, just as a bank manager is.

Q.—That is responsible for all the work done in the office? A.—Yes.

Q.—His time should be occupied in supervision, not in actual work? A.—He is supposed now to keep his office in proper order, but he does not always look after this himself. The subordinates are now under the supervision of the head, I suppose.

Q.—Yes. In some of the offices the head could not himself do the work, but he exercises a supervision over it. It depends on the magnitude of the office and the number of assistants? A.—Yes. Such an official should have a fair amount out of the fees, and he should be under the control of an inspector to see that he had proper assistance and not too much assistance, and those expenses should be provided for, but I do not think the remuneration of the occupant himself should fluctuate violently from one extreme to the other, or that he should be in receipt of moneys far beyond his responsibilities.

Q.—How do you approve of the sliding scale applied to some of these salaries, that where the fees have reached a certain amount they pay over deducting a percentage? A.—I should think there ought to be a sliding scale, I do not think every officer should be paid alike, but in proportion to his work and his responsibilities.

Q.—Can you form an opinion as to what ought to be the maximum and the minimum remuneration attached to the offices of sheriff and registrar? A.—If registrars and other officials are allowed to carry on any business outside of their offices I do not think they are entitled to the same remuneration as the man who devotes the whole of his time to it. There are very few of those officers as I understand it who are not permitted to carry on professional or mercantile business outside of their offices.

Mr. FLEMING: Only crown attorneys; sheriffs are not permitted to.

The CHAIRMAN: Q.—Take the case of one who gives his whole time? A.—I should think in many of these offices that $1,500 a year $1,000 or $1,500 a year to some of them.

Q.—That is the sheriffs? A.—Oh no; the minor offices. As far as the sheriffs are concerned I think they occupy a very responsible position. I think a sheriff would be very well paid indeed at $6,000 or $7,000 a year.

Q.—None of them get that much, except perhaps in Toronto? A.—I would make that the maximum, and go from that down to $2,000 a year for sheriffs.

Q.—Would you place registrars on the same or a lower footing? A.—I should think lower; they have not the same responsibility, and they can cover their responsiblity by guarantee bonds.

Mr. FLEMING: Q.—It has been pointed out here that the guarantee bonds only become available when every other resource has been exhausted; it ultimately falls back on the registrar? A.—Well, I have not seen any litigation in connection with claims of that character.

Mr. MASON: As a rule they settle them without litigation.

The CHAIRMAN: Q.—As to registrars, what would you say would be a reasonable sum for them to receive, giving their whole time to the duties of the office? A.—If they are giving their whole time I should think $2,000 would not be an unreasonable minimum.

Mr. ROBINSON: Q.—There is a great deal of responsibility with some of these officers as you know? A.—Yes; but there is nothing like the responsibility there is in a bank clerk. A ledger keeper in the country branch of a bank has more responsibility than the sheriff of the county.

Mr. MASON: Q.—For mistakes he himself may make? A.—And for errors of judgment.

Mr. ROBINSON: Q.—You do not give them full swing to exercise it? A.—No; but he may elect to exercise it although he is not allowed to.

The CHAIRMAN: Q.—Can he not always refer for instructions to his superior officer, and so protect himself? A sheriff cannot refer to anyone to protect or advise him. In your system the subordinate officers always have recourse to their superior or to the head office? A.—He is supposed to do it, but you cannot avoid mistakes. I have mentioned the ledger keeper because as you go higher up, the accountant or country manager, the responsibility is increased at every step. A ledger keeper can do more harm and has a greater responsibility in the shape of keeping his books absolutely correct than I think attaches to any of the officials mentioned here.

Mr. MASON: Q.—Do you mean wilful neglect? A.—I speak of the result of carelessness or culpable mistakes.

Mr. HOBSON: Q.—In the case of the bank clerk, his principal responsibility is for his own mistakes. In the case of a registrar is not there this difference, that he is held responsible for mistakes made by any of his clerks or assistants? Mr. Lindsey told us yesterday that he had had as many as 28 assistants and clerks? A.—Well, there is that distinction, I suppose, between a registrar and the manager. I would pay such a man a reasonable remuneration; but I think it is a mistake to give one man, who has made a hundred entries in a week, a very much larger amount in fees than another one, who is just as liable to make a serious mistake in ten entries in a week.

The CHAIRMAN: Q.—The result of what you say seems to be this, that the present system of appointment is satisfactory to you, but that there might be a more economic management and adjustment of the fees? A.—Yes, I do.

Q.—Whether it be by salary or in some other way, so as to check the expenditure? A.—I approve of salary.

Mr. ROBINSON: Q.—Would not you see a little injustice in the payment of some of these officers by salary? If you or myself were registering a deed, would it be fair that the country should be taxed in the shape of paying the registrar's salary, because we were investing some money? A.—Well, that is a public safeguard which must be paid for by the public, just as we are obliged to keep up an army and navy.

Q.—The public receives a benefit from that, but they do not receive any benefit from the registration of my mortgage? A.—Well, I was not aware of the fact that the registry offices did not pay, or were carried on at any expense to the Government.

The CHAIRMAN: Q.—Some of the smaller offices would not pay the salaries you have mentioned? A.—I should think it much better to put up with that evil, if it can be so called, than to continue the present state of affairs. It would not cost the country anything, because if a change were made in that direction the Government would be in receipt of a very large income from the other offices, so they could well afford to make up the salary.

The CHAIRMAN: That of course is one plan by which the fees from all the registry offices could be put in one fund, and salaries paid out in proportion to the services rendered in the different counties. That would be a very complete system, which is not observed at present. The surplus now, after paying the registrar, goes to the municipality, and the poor registrar in the smaller counties does not get any benefit from it.

Mr. HOBSON: Q.—Is it not right that the surplus should go to the municipality which owns it?

The CHAIRMAN: Q.—Another plan, I was saying, was to fund all the office fees, and apply the surplus to paying the salaries in the smaller counties; but Mr. Wilkie has not expressed an opinion as between those two, as to whether the surplus should go to the Government or the municipality.

Mr. WILKIE: Well, that would involve the payment by the country of the salary, whatever it might be, that the fees fell short of in certain cases.

The CHAIRMAN: In the smaller counties the registrars get nothing more than the fees, do they; they get no salary.

Mr. FLEMING: No; except in the districts.

The CHAIRMAN: Take one of the small counties; here is Stormont, I see the net amount of the registrar's income is $972. The last figure gives the net amount. (Handing book to Mr. Wilkie.)

Mr. WILKIE: I see here the registrar of Manitoulin island gets $516; if he is permitted to follow any other pursuit I should think that would be a nice income for him.

Mr. FLEMING: He has to be in the office from 10 until 4 o'clock every day or his deputy; but in that particular case I know he has no deputy.

The CHAIRMAN: Q.—As between the system of applying the surplus where it arises to paying the officers, where the fees are not sufficient to pay the salary, and that of turning it over to the municipality: what do you say? A.—I have not given that any consideration, but I think it would not amount to more than a few hundreds of dollars anyway.

Q.—It would be a great thing to the county councils who were going to lose it, to have the money that they say is derived from the people of their county distributed all over the country? A.—Well, if the costs of holding assizes were distributed in the same way, and everything else, it would be open to argument. If that system is once adopted with regard to registry offices, it ought to be followed out in other branches of the administration of the law.

Mr. HOBSON: Q.—Would not it be unfair, take for instance a county that has a surplus of a few hundred dollars from the registry office, and which is expending the equivalent or more than the equivalent of that in keeping it up, to take that surplus and pay it over to another county? A.—I should not think of turning over the surplus, unless it were a surplus over and above expenses. But there is no doubt about it that some change should be made in the present system.

The CHAIRMAN: Q.—One prominent thing you mentioned as an amendment is the necessity of having the officer who is appointed actually do the work of the office, that he should be there and give his personal services? A.—Yes.

Q.—Then he should get a fair living salary? A.—Yes; that is the pith of the suggestion.

Mr. ROBINSON: Q.—Some complaint is heard of officials who receive large amounts in fees, and who employ deputies to do the work, whom they pay quite small salaries. Would you advocate such deputies being paid by the Government, or would you think it proper that the Government should see that the deputy is paid a proper sum, and not left entirely at the mercy of the registrar? A.—Yes; where the salary of the chief is fixed, I would also place the other officials under the control of the Government.

Q.—And see that they were fairly remunerated? A.—Yes.

The CHAIRMAN: Q.—How do you think the subordinates in the office should be appointed? A.—Well, I should be inclined to let the superior officer appoint the subordinates.

Q.—Without any supervision? A.—Certainly, under the supervision of the Government; but the chief ought to have a voice in their appointment.

Mr. ROBINSON: Q.—Are you strongly opposed to election by the popular vote? A.—Yes; for the offices of registrar and sheriff I certainly am.

Q.—And the rest of the officers? A.—Everyone mentioned in the circular, because it is merely a humor to select one that should be appointed and another that should be elected.

Q.—You do not think that plan would lead to any improvement? A.—I think it would upset our whole system of government and the entire social fabric, and bring in a millennium of crime.

WALTER LEE, examined by the CHAIRMAN:

Q.—During the course of your experience as the manager of a monetary institution you have had to do with some of the officers mentioned in this list? A.—Yes; I have had to do with them in my capacity as manager of the Western Canada Loan Company for over thirty years; I have been manager of that company since 1864. My experience has been more with the sheriffs and registrars. As to the manner of their appointment, I believe that the sheriffs and registrars ought to be appointed by the Government, as they are at the present time. I do not see any reason for making a change. I think the registrars and sheriffs are very important officers, and that they ought to be controlled by the Government.

Q.—What disadvantages would ensue, in your opinion, if a change were made, and they were either appointed by the municipal councils or elected by the people? A.—I do not believe in the principle of electing such officers by the people, or by municipal councils either; I think a better class of men are appointed for the office by the Government.

Q.—Have you any experience of the election of such officers in other countries, the United States for instance? A.—No, I have not. But I am prejudiced against the system of elections for such offices.

Q.—You say prejudiced; is that without reason, or have you any reason to state? A.—Men to fill these positions require considerable ability, and if they were elected by an open vote of the people I do not think the electors would know anything about their adaptability, and I do not think they would take the trouble to find out; the man who was the best stump speaker, or who had the greatest measure of popularity would be the one elected.

Q.—The next important branch of the inquiry is the manner of remuneration of these officers, whether it should be by fixed salary or by such fees as they collect? A.—I have no complaint to make against these officials as far as the fees are concerned, but from my general knowledge I think the fees ought to be funded and the officers paid salaries.

Q.—Have you any reason to think there would be any shrinkage in the amount of fees collected, if they were funded and the officials paid salaries out of them? A.—I do not see why there should be.

Q.—I do not know whether you have had any experience in that line, but if you give a man collections to make does not he do better if he has a percentage on the amount collected? A.—He would do better in that, but the registrar and these officers have not the creation of the work; deeds must be registered and other documents and writs, and so on, must be served by the sheriff; these officials do not create the act for which the fees are collected.

Mr. HOBSON: Q.—In the matter of searches, might there not be a little carelessness in collecting the proper amount? A.—The inspector would look after that.

The CHAIRMAN: Q.—It has been found in cases where the fees have been commuted to salary that the amount of fees collected has decreased. Of course that may have been owing to remissness, or to other causes? A.—That might be all right, you know, for general business, but I think should not in that special office———.

Q.—Registrars and sheriffs? A.—Yes; I do not see any special reason why the fees should fall off.

Q.—Would you have the salary regulated with regard to the fees, and if the fees did not reach more than a certain amount in any year, that they should not get more than the fees? A.—Yes; I think I would, that would get over the difficulty in regard to neglect.

Q.—If the fees fell short the salary would fall short accordingly? A.—Yes; I do not mean to say that a man is to have no salary if there are no fees.

Q.—What do you think about the present manner of adjusting the surplus of the fees by the sliding scale, as it is called; that is that when the fees reach more than a certain amount the officer receives a percentage on it and returns the rest to the municipality? A.—I think that is the only way you can dispose of a surplus if there is a surplus.

Q.—You think the sliding scale would be a better plan than giving a salary and then say ten per cent. for any amount collected over that, or would you give a larger percentage on the first thousand, a smaller out of the next, and so on? A.—Well, I do not know; I could not say exactly what I think of that, I have no experience of how it would act.

Q.—Do you think that that is a sound principle; do you approve of giving him a percentage on the fees he collects over and above a fixed salary? A.—Well, I do not think I do. I do not like him to have anything over the salary for doing his duty.

Q.—Well, evidently that scheme is devised with the idea of making the officer do his duty in the way of making his collections as strictly as possible; the idea is, I suppose, that he would collect with greater accuracy everything that has to be collected if he has a percentage on the amount? A.—That is natural, but still if I were appointing an officer I would not like him to have anything outside of his salary.

Q.—You would like the officer to do his work for his salary and expect nothing more? A.—Yes; that is the plain, clear business way of doing it. But if you look at it, as I might say, commercially, and say we will get a better revenue by that, then you might make your percentage.

Q.—That has to be considered, of course. Not only have you in this registrar's office to satisfy the man to give him a salary, but you have to provide for contingencies, such as new buildings, books, stationery and that kind of thing? A.—Oh, I understood that was to be taken out of the fees whether or no, and that would have to be done, I presume, by the Government or the corporation whether there were any fees or not.

Mr. Robinson: Q.—What do you think of the policy of reducing the fees where there is more or less certainty of their amounting to more than the requisite compensation? A.—Well, I am not prepared to say that the fees are too high, I never heard any complaint about them being too high. Personally, as I said before, I think that a man's salary should be what he is working for, and nothing else.

The Chairman: Q.—What would you say would be a fair living salary for these officers, speaking of the city and of the country parts too, registrars and sheriffs? A.—I have no experience of what the salary should be in the country.

Q.—Take some of these officers in the remoter parts of the country where there is not a great deal of business done and the fees do not amount to very much, about $500 or $600 a year, how do you think the officers should be paid there; should he be content with the fees or would you give him a salary of more than the fees. A.—I would give him a stated salary and if the fees did not amount to that the county or somebody else would have to pay it. In those places back there you know living is far cheaper than in the city.

Q.—But these officers have a responsibility, the sheriff especially, that you cannot measure exactly by a salary? A.—Certainly.

Q.—Would you favor in these smaller places consolidating the offices? A.—That is what I was going to suggest, that I would put them together, if possible; in the country we do not require so much to be done in a town or village where the registry office is, because a great deal of business is done by post, and you can have the registry office a good way off from the town.

Q.—These officers, the sheriff and registrar, as a rule I suppose, require to have in every county at least one deputy, and in the large counties some assistants; what do you say as to the compensation and appointment of the deputy and assistants, would you leave both of them in the hands of the chief officer, or would you make some provisions? A.—I would leave them in the hands of the head of the department, that is the sheriff or the registrar, as the case may be, to appoint them and pay what he thinks is just. If you adhere to the salary then the officer is on the spot all the time and will be doing some of the work.

Q.—You would leave him to appoint his deputy and pay his deputy? A.—Yes.

Q.—That payment being out of the fees? A.—Yes; and he will get a proper man.

Q.—Suppose the Government should continue the fee system, what do you say then as to the payment of the deputy; would you leave it in the hands of the chief or have it supervised? A.—I would have it supervised, because I think they are not paid adequately for the work they do now.

Mr. Robinson: Q.—You think these deputies should have larger incomes? A.—I understand some of them are very poorly paid for the work they do.

The Chairman: Q.—The chief officer I understand engages them to do the work, and the lower he can get it done for the more fees he has for himself? A.—Yes; that is the way I understand it.

Mr. Robinson: Q.—You think the Government ought to see where the chief officer is paid by fees that the deputy receives a fair salary? A.—Yes.

The Chairman: Q.—If the chief is paid by salary he has no object in reducing the pay of his subordinates? A.—That is it, sir, exactly.

Mr. Robinson: Q.—Would you confine these gentlemen to discharging the duties of their office? A.—I would not allow them to go into any other business. I would give them a fair salary, and then you would get better work.

Mr. Mason: Q.—Have you ever thought in regard to the question of the fees being made larger or smaller in proportion to the magnitude of the transaction? What I mean is this, if you register a deed for one hundred dollar lot it costs as much as it would to register one for a fifty thousand dollar lot? A.—

That is a subject I have never considered; it may have some merit. Now, you will agree with me that the proper consideration is not always placed in a deed; how would you get over one for natural love and affection.

The CHAIRMAN: Q.—That would be an equitable thing, but almost impossible? A.—Yes, it is impracticable.

Mr. MASON: Q.—You have no occasion to find fault with the fees so far as the registrars are concerned? A.—No; and we have never had any difficulty with the sheriffs; I have no objection to the fees charged by them.

Mr. ROBINSON: Q.—You are opposed entirely to the popular vote for any of the offices? A.—Yes, sir. You have not got the control of them in that way.

J. J. KINGSMILL, examined by the CHAIRMAN:

Q.—Would you kindly state what your experience has been? A.—I was a County Court judge for over twenty-six years, and before that I had been county attorney in the county of Wellington, and I had charge of the sherriff's office in Niagara for some time, and I also acted as local master in the county of Bruce, and also for a short time in the county of Halton. As a county judge I had the supervision of the Division Court clerks and bailiffs in my county.

Q.—Commencing with registrars, what do you say about the manner of appointing these officers? A.—With reference to registrars, as in fact in regard to all the others, I think the community would be better served by having the appointments made by the Government. In that way you get men of more responsibility and greater integrity. If they were elected directly by the people in the first place you would not get the same class of men, because they will not undergo the dirt and turmoil incident to an election. When they are appointed by the Government the Government is responsible, and the men who make the selection are men capable of judging the capacity of the person for the office. Taking it altogether I think the method of appointment by the Government is preferable to either election by the people or appointment by the county council.

Q.—Speaking of election by the people, you give very cogent reasons against it; what reasons do you allege against their selection by county councils? A—Very much the same. There will be a great amount of log-rolling and wire-pulling about it, and the appointment would be made by an irresponsible body as compared with the Government; after the man is once elected nobody is responsible whether he is good or bad. The Government, on the other hand, are responsible. Then it would be very difficult to put him under such strict supervision; where there is not the power of appointment it is very difficult to supervise.

The CHAIRMAN: Q.—Would it or would it not impair the uniformity of the registry system, which is a valuable thing, to have these officers elected by the different municipalities? A.—Under inspection I suppose that could be regulated and rules laid down for their guidance.

Q.—It would depend entirely on the inspection? A.—Yes; it does now.

Q.—You spoke somewhat at large as to the others, the local masters and so on. What do you say as to the appointment of these other officers? A.—I think the same rule should apply to all of them.

Q.—They are all officers connected with the administration of justice? A.—Yes. It has been suggested that one way would be to let the judges appoint them. The Judges would not know anything about the individuals, they could not get the information which is accessible to the Government; they would not have the same source of information. For many years I had the appointment of Division Court bailiffs, and when the appointment of those officials was taken away from the county judges and taken into the hands of the Government I was inclined to think it was a mistake, but I have changed my views upon that; I believe now that the community is much better served by the clerks and bailiffs being appointed by the Government and subject to strict inspection, that they serve the public better than they did when they were appointed by the judges.

Q.—How is the system of inspection at present? A.—My experience of it is that it is efficient, that is from my experience in the county of Bruce, I think the inspection has been all that could be desired; I think that the officers are kept up to the mark better than they were when the judges were appointing them. The judges were too prone to make allowances for them, and to try to help them out of their difficulties.

Q.—What about the appointment of county attorneys and clerks of the peace? A.—I have the same view regarding them, I think they ought to be appointed by the Government. The only difficulty I see about those officers now is the way in which they are paid.

Q.—Would you call any of those officers municipal or local officers in the same sense that the county treasurer and the county clerk are? A.—Certainly not. They cannot be called that; they all have to do with the administration of justice common to the country.

Q.—Take the case of the sheriff or county attorney being elected, if there was an unpopular law passed by the legislature, unpopular in a certain community, what would be the effect on those officers there in regard to the administration of that law? A.—They might be looking for re-election, or re-appointment by the county council, and they would be very likely to lean a little towards the views of those who had the power of keeping them in their positions. That has been the experience in the United States; it is the great trouble in the election of such officers. Where they are appointed and hold their position during good behavior they are entirely above all such influences.

Q.—Registrars of the Surrogate Courts, what do you say as to them? A.—In the outlying counties the registrar of the Surrogate Court, the registrar of the High Court and the clerk of the County Court are positions filled by the same man; those offices are really occupied by one man, except in Toronto.

Q.—Then as to the appointment of local masters? A.—They are really judges, the position is almost always consolidated with that of the county judge.

Q.—Local deputy registrars of the High Court of Justice, have they any judicial duties, taxation of costs? A.—Yes, the same as the clerks of the County Court do in the County Court.

Q.—Then as to the question of remuneration, what do you say about that? A.—With reference to the registrar of deeds I think the present system is a very good one, but I think that in many counties after the fixed amounts he gets too large a percentage.

Q.—Would you favor any percentage if he gets a salary, a fixed amount? A.—Up to a certain amount that is. Of course that matter is hampered with the question of the amount of assistance required in the office. Of course when a larger amount is collected more assistance is required there. I think there should be a scheme by which you settle upon what would be fair for the registrar supposing he does the work himself, and when the fees go beyond that I do not think he should be paid more than would pay for the extra assistance in his office, because there is very little more responsibility.

Mr. HOBSON: Q.—If he required more assistance, would not the responsibility increase in the same ratio? A.—Well, of course it does to a certain extent, that is quite true. I think after the work gets up to a certain amount he should get perhaps some percentage, but not very much.

The CHAIRMAN: Q.—What do you say about the appointment and remuneration of deputies? A.—I think that should be left to the registrar, he is responsible for their work and I think he should be allowed to make the appointment. In regard to the remuneration, people will not work unless they can get living wages, and I would leave that in the hands of the registrar; I do not think it would be fair to hamper him.

Q.—Do you know of any case of hardship, where a competent man has been paid too small an amount? A.—A good man is never, or all events very seldom, compelled to work for less than he is worth. Of course, there may be cases where a man has been brought up in a registry office, and does not see where he could better himself or make a living elsewhere; in such a case he might be ground down a little, but I think there are so few of those cases that I think it is hardly worth while to make a general rule to deal with that.

Q.—Do you think the assistant should be promoted in these offices? A.—That is a question which I have not given very much consideration to. I know that in many cases deputy registrars have done the work for years, and have been to all intents and purposes the registrar, and upon the death of the registrar such a man would be passed over and sometimes thrown out of his position, somebody else appointed by the new man. That certainly seems to be a great hardship. It would be very difficult, however, to fix a rule bearing on that. The appointing power is so beset by needy adherents, that a quiet, steady-going man who has done his work for twenty-five years in a registry office gets very little consideration, but it would be almost impossible to say that the deputy registrar should be appointed registrar because in many cases there are deputy registrars who while they do very well under the registrar himself would not be fit to fill the position. I think I have known the Government in some cases to appoint a deputy, or that some arrangement has been made by which he has to be retained. As to the remuneration of sheriffs, I think as far as the community are concerned, there is at least a portion of the sheriff's fees that should depend upon his own activity. If you give him a salary and an execution comes in he does not care very much whether he collects the money on it or not. But if his remuneration is going to depend upon his activity in making the money, the community are very likely to be better served by that course than by giving him a salary. I think he is in quite a different position from the registrar, because the documents are brought to the registrar, and he cannot make his work more or less. The sheriff by his activity in serving witnesses, in serving writs or in seizing property and all that, if his remuneration depends on his activity in that direction the work is more likely to be done to the satisfaction of the community.

Mr. ROBINSON: Q.—But then again he may abuse his powers? A.—If he does he generally has to pay for it.

The CHAIRMAN: Q.—Would you fix any limit to his fees? A.—I think he ought to be more liberally paid than the registrars. There is a great deal of work done by the sheriff occasionally that he gets nothing for. He may have a man out two or three days looking for witnesses, or going out to make a seizure; there is a great deal of unpaid work of that kind done by the sheriff that the community do not realize. I think there are very few sheriff's offices in the country in which the sheriff does not fairly earn the amount of fees which he collects.

The CHAIRMAN: Q.—Would you say then what should be the minimum rate of compensation for the registrars and sheriffs in country parts? A.—That is a very hard question. Where the office would stand it I think the sheriff ought to get all he made up to $2,500 or $3,000, that is taking the country generally. I think the registrars are in a little different position, but I think a couple of thousand dollars would be little enough for them.

Q.—You mean giving all their time to the work? A.—Of course, that is giving all their time to the work. If a registrar chooses to pay part of that to the man that does it for him, I suppose the Government would not interfere as long as he is there and bears the responsibility.

Q.—As to the appointment and payment of sheriffs and registrars' deputies, what would you say? A.—I think, as I said before, I would leave that in the hands of the head of the office, to get the best men he could. I have known cases where a deputy sheriff has been paid very little and was really an efficient man, but it was only a stepping stone to him, he very soon showed what he was worth. In a country like this, if a man shows there is anything in him he is seldom underpaid.

Q.—Would you have supervision as to what is paid to these deputies and the assistants in the office; if there was a very large expenditure for assistance, would you find out whether the head of the office was doing his share of the work? A.—Yes; I suppose that ought to be taken into consideration. But I think I would pay the sheriff and the registrar and let them find their own assistance, and then I do not think I would interfere with them.

Q.—You would pay them a salary, and their assistants would be paid in addition, it would not come out of their salary; that is, where they are getting a salary? A.—Yes, certainly; it would then have to be part of the work of the inspection to find out, because when you fix these salaries it is supposed to cover the registrar's personal services; he to do a fair share of work in his office.

Q.—Would you have it an essential thing that no other occupation should be followed by any of these officers, or would you let them follow some other pursuit and cut down the salary? A.—I think where the fees are large enough to pay the sheriff his salary he ought to give his whole time to it. Of course, that would not prevent his having a little farm or anything of that sort.

Q.—He would have to keep office hours? A.—Yes. Then with reference to another class of officials, the local master, the county attorney and the clerk of the peace, I think they are in a different position again. Take the county attorney, he is in a different position perhaps from any of the others, because it

is within his power to make business. He has the instituting of prosecutions at the assizes, and at the sessions, a great deal depends entirely upon him as to whether he sends up bills in matters so trifling that they should not be investigated. He can send up his bill and issue subpoenas all over the country, and, of course, a lot of fees could be made in that way, and perhaps after all the thing would be thrown out by the grand jury, when it never ought to have gone before them. It is said, I do not say deservedly, that they are open to criticism and insinuations of that kind, that they are making business and piling up fees in their office, taking proceedings merely for the sake of the fees. Now, that does not extend to any of the these other officers except perhaps the local master. In some counties you will hear it said, "Oh, you never can get a thing through with that fellow; he puts it over and makes more appointments than are necessary instead of closing the thing up." I do not think those officers ought to be open to that insinuation. I do not say that it is deserved; I do not know that it is, but where that can possibly be said I think the officer ought to be paid by salary.

Q.—Those two then you think should have salaries? A.—I think the county attorney and clerk of the peace they are generally one now.

Q.—Would you preclude them from doing other business? A.—Except as barristers.

Q.—They can serve other clients? A.—Yes; they can practice except in criminal matters.

Q.—On what footing would you place the salary of the local master and county attorney? A.—Local masters are now allowed to commute on a five years' average, and I suppose the county attorneys and clerk of the peace might be allowed to commute in some such way.

Q.—Then if you should find after commutation that the yearly average of fees diminishes, as has occurred in the case of the local masters have you any suggestion as to a safeguard against that or would you recognize that? A.—No. I think if you take the clerks of the peace and the county attorneys throughout Ontario for the last five years that the average for them would really be too high.

Q.—For the last five years? A.—Yes; an average of the last five years perhaps would be too high under the salary system. The Government would have to carefully look into that, and see the accounts that have been paid and how they have been made up.

Q.—Would you favor the system which has been adopted in some of the United States? They have a salary fixed at say $1,200, payable monthly to the officer out of the fees collected, and if there is anything above that it is paid over to the treasurer of the county or whoever it is. On that footing he gets $100 a month if the fees amount to that much. If the fees only came to $90 he would only get $90, but if the next month the fees came to $120 he would get his $100 with the $10 added which he was short the month before, so that in that way he would not get his salary unless the fees came up to it? A.—That would not obviate the difficulty I suggested about their being open to the insinuation that they were making business to keep up their fees. If a man found his fees were only amounting to $800 or $900 he would try to increase them, and that would not shut the door to what I referred to.

Q.—For those two offices would it not? A.—No.

Q.—The office of local master being consolidated with that of the county judge, the county pays him, and his remuneration should be lower than if he was doing that as his sole employment? A.—I think the commutation is arranged now with regard to that officer.

Q.—That is about $600————? A.—It depends altogether on the work done. Some make a very handsome thing out of it. I was acting as local master for a year down in Halton, and I do not think I took in $25, and I acted for a year up in the county of Bruce, and for the time I acted I do not think it averaged $300 a year.

Q.—As to the county attorneys, can you form any idea as to what they should be commuted at, or the salary they should have? A.—No; because the office is joined with that of the clerk of the peace.

Q.—The clerk of the peace you think should be paid by fees? A.—The county attorney and the clerk of the peace are one and the same. It is a rather curious combination. The clerk of the peace gets paid for issuing subpoenas, and then the county attorney gets fees when the case comes before the court. Therefore the one rule should apply to the county attorney and the clerk of the peace.

Q.—You think they should be paid by salary, whether one or two officers? A.—Yes. I think at one time in the county of Bruce the county council—a good deal of the fees of the clerk of the peace came out of the county—called upon the clerk of the peace to state what he would commute for, so that they could make some arrangement by which he should have a fixed salary as clerk of the peace, and let it be paid in some way by the county, but it never resulted in anything.

Q.—Do you think that is a feasible scheme, to make a general arrangement of that kind with those officers, the clerks of the peace and the county attorneys, to commute with the assent of the county? A.—It might be done, I should think.

Q.—Would you have the commutation fixed with the county council intervening as one of the parties, as it were? A.—I would hardly like to commit myself on that. You see the county attorney has criminal work to do, and he is paid some things now on the certificate of the Attorney-General.

Q.—It would have to be a commutation with the joint assent of the Government and the county council? A.—The county attorney's fees would have to be funded in some way by stamps, and as clerk of the peace in preparing the voters' list and preparing the jury rolls and all that. His bill is partly against the administration of justice and partially against the county for the civil business. There is one officer you do not seem to have taken into consideration, that is the gaoler. I am strongly of the opinion that the sheriff ought to have some voice in the appointment of the gaoler.

Mr. Robinson: Q.—He used to have? A.—He used to have altogether, and now he nominates and the Government appoints, and sometimes the sheriff nominates and the Government will not appoint his nominee. There is friction there. I think there should not be anybody appointed over the sheriff's nominee; it is something which might cause a great deal of trouble.

Q.—The Government does not release the sheriff from any of his responsibility? A.—No; I think not. If the Government takes the appointment of the gaoler entirely into their own hands the sheriff ought to be relieved of the responsibility. Many of the sheriffs would be very glad to see it in that shape, but if they are to be held responsible they certainly ought to have the appointment.

The CHAIRMAN: Q.—Have you any observations to make regarding the local deputy registrars of the High Court? A.—I think they now get a salary, and the fees of the office are paid by stamps. It was the same with deputy clerks of the Crown.

Q.—Then the clerks of the county courts? A.—That is somewhat different; he takes some fees, so gets fees for filing; the clerk of the County Court is not, I believe, paid by fees altogether, but there is so little going on in the county courts really that he does full work for all he gets as such.

Q.—Registrars of the Surrogate Court, that is combined with some other office? The registrar of the Surrogate Court and the clerk of the County Court are generally the same.

Q.—Division Court clerks, as to their compensation? A.—In the outlying districts the Division Court clerks are barely paid enough. Of course there is one here and there, but generally throughout the counties the office is hardly worth holding; it is not at all what it was some twenty years ago; the work in the division courts has fallen off considerably. There is not so much credit as in the olden times. I can remember the time when stoves and plows and everything else of that kind was bought on credit, notes given, and you would have the division courts flooded with them. There is now very little credit through the country and very little suing of that kind; you will find court after court in the counties which will not last more than an hour or so where it used to last all day. I have had to sit until twelve o'clock at night. The same applies to the Division Court bailiffs. I think it is in the interest of the community that they should be paid by fees, for the same reason that I say the sheriffs ought to be paid by fees, they are in the same category with the sheriffs.

Q.—Then in the city what do you say of the system of fixing the remuneration of the Division Court clerks at a certain amount and their paying over the rest, do you approve of that? A.—I should think that would be necessary in some of the large offices, that a proportion should be paid over. It is hardly reasonable that a Division Court clerk should get more than a Supreme Court judge, as it is said some of them did here some time ago. In the registry offices where there is a very large surplus, it seems to me that that being returned to the county is not as fair a method as it would be if the fees were reduced in some way, because now it goes back into the municipal funds and saves the ratepayers at the expense of the poorer class of people who have been obliged to mortgage their farms and pay for abstracts.

The CHAIRMAN: Q.—Can you suggest any scheme to do that? Would it not cause a fluctuating system of fees in the different counties? A.—Yes; that is the practical difficulty. That could only be done, I suppose, by the corporation guaranteeing to make up any deficiency.

Q.—That is to make a reduction in the fees all over the country? A.—Yes; and if there was any deficiency let it be made up by the county. It is a very difficult question to deal with.

Q.—Well, roughly, I understand the counties render service for the money they receive by maintaining and repairing the buildings? A.—Yes.

Mr. MASON: Q.—Where commutation is made, do you think there should be a periodical revision of that, or that when once fixed it should remain unaltered? A.—It certainly ought to be open to alteration. The Government commuted the fees of the Surrogate Court judges because a great many of us thought it was a very unpleasant position to be placed in to have the people who paid the fees grumbling and saying that the judge was charging a dollar here and fifty cents there too much, and I think that commutation should be open to revision after a certain number of years.

Q.—As a matter of fact the returns show that it has been reopened in a great many cases, but always with a view to an increase; there is no record of any revision having effected a decrease. Do you think that where the fees have decreased there should also be a revision? A.—Certainly; there is no reason why a man should be receiving $500 for doing $300 worth of work. Of course, in the Surrogate Court they allowed us to make the best year of any of the three preceding years and there were very few of us who had not had one good year in three; some good wealthy fellow had passed away and some large estate had been dealt with, so most of us perhaps got a little more than the average. I think all these commutations ought to be subject to revision every four or five years.

Q.—Do you favor the consolidation of offices in the smaller counties, where the fees do not amount to sufficient to give any one of these officers a fair living? A.—There are exceptional cases in which it might be done. I think it is a poor policy to have an officer who does not get enough from his office to give him a fair living.

Q.—In such cases do you think it would be better to consolidate the offices, or to supplement the pay? A.—For the sake of the province I should say I would join the offices. If you can get the work of sheriff and registrar in a remote place done for $1,000, why should the office be at the expense of paying two men each $800?

Q.—You think consolidation would be better than adding to the amount? A.—If the amount is to be charged on the province, I certainly say get the work done if you can get it as well done. A good man who would take the two offices at a fair remuneration would do the work better than two inferior men at a smaller salary.

W. G. EAKIN, examined by the CHAIRMAN:

Q.—You are the county clerk of the county of York? A.—Yes, sir; for twenty-one years.

Q.—Have you been considering these matters that are before us, the manner of appointment, and the compensation of these different officers? A.—Yes, sir; I have been thinking over it considerably. I can only speak as to this county.

Q.—Are you acquainted with the various offices, the different classes of clerks, the County Court clerk, the Surrogate Court and the county attorneys? A.—Yes, sir; I am pretty intimately acquainted with them.

Q.—Division Court clerks, Division Court bailiffs, registrars and sheriffs, have you had to do with them? A.—Yes.

Q.—What do you say in regard to changing the manner of appointment of those officers, or keeping them as it is at present? A.—My idea is to leave it as it is. I do not think they could be bettered.

Q.—You would leave the appointment in the hands of the Government? A.—Yes.

Q.—What induces you to think that? A.—Well, it is my opinion that better appointments are made in that way.

Mr. ROBINSON: Better than if they were elected by the people? A.—Yes; you sometimes get very popular men who could be elected to offices, but who are not very fit to perform the duties of the office.

The CHAIRMAN: Q.—What do you say about the county council appointing the officials? A.—Well, I do not think that would be an improvement on the present system.

Q.—What do you think would be detrimental in that? A.—Well, there is a great deal of partizanship in county councils.

Mr. ROBINSON: Q.—Political feeling? A.—Yes.

Mr. MASON: Q.—And personal feeling too, I suppose? A.—Yes, largely.

The CHAIRMAN: What is the average number of persons composing the county councils throughout the country? A.—That I cannot say.

Q.—From twenty to forty? A.—Hardly so many.

Mr. ROBINSON: Q.—How many have you here? A.—There are forty-seven.

The CHAIRMAN: There are over thirty in Barrie.

Mr. HOBSON: There are fifteen in Wellington.

The CHAIRMAN: Q.—Would you say that from twenty would be too high an average? A.—Well, I think perhaps it would.

Q.—Well then, looking at the responsibility of these appointments, do you think that efficiency would be better secured by the executive appointing them, or by the county council appointing them? A.—I think the appointment by the executive is decidedly the best.

Q.—What responsibility would the county council have in making the appointment, it would simply be when they went back to be re-elected? A.—Yes. They could not get an expression of opinion as to the qualities of the parties they wanted to appoint very well.

Mr. HOBSON: Q.—You think from your long knowledge and experience of county councils that the average county council would not be likely to consider very carefully the qualifications of the men they elected for these offices? A.—I would be inclined to think not; I think there would be more favoritism.

The CHAIRMAN: Q.—And the fact of the executive being liable to be questioned on the floor of the House in a public manner would have the effect of weighting them with a greater responsibility than that put upon the county council, who stand over to the end of the year? A.—Yes; that might have some influence on the appointments.

Q.—But, at all events, you do not see any reason for a change? A.—No.

Q.—You do not think it would be likely to do any good? A.—No.

Q.—Then we come to the other question, upon which, perhaps, there is more difference of opinion; as to the manner of compensating these officers. Will you just take them now, commencing, say, with the Division Court bailiffs, how would you propose that they should be paid, by fees or salary? A.—Well, I do not think they are over-paid now by the fees.

Q.—Well then, do you or do you not see any reason for changing the mode of compensation to a fixed salary? A.—I do not.

Q.—The fees are insufficient to pay now, you say? A.—I think the principle of the fee system is the best; under it they would look after the business better than if they were paid by salary. If they make a mistake now it comes out of their own salary or fees.

Q.—Would you advocate a change in the fees at any time, if they became more than sufficient to pay them? A.—That would depend very largely on the responsibility of the office. The sheriff perhaps is the most responsible.

Q.—As to bailiffs, about what average amount do they make now, do you think? A.—I do not know.

Mr. ROBINSON: Q.—Do you know of their having made losses? A.—No.

The CHAIRMAN: Q.—They have to make seizures the same way as the sheriff? A.—Yes.

Mr. ROBINSON: Q.—Is the bailiff liable for any damage? A.—I do not know.

The CHAIRMAN: Q.—They execute independently of the sheriff, do they not, in the Division Court? A.—Yes.

Q.—They are subject to the same degree of responsibility in the sphere of their own court; they do all the seizures and process, and so on? A.—Yes.

Q.—Well, Division Court clerks, Mr. Eakin, what about their compensation? I believe some of them are put on a fixed amount now, and have to turn over the rest of the fees? A.—I think they have to pay a portion of the fees.

Q.—They collect a certain amount themselves, and after that they have to pay a percentage? A.—Yes.

Q.—As to Division Court clerks, would you give them a fixed salary and them collect fees up to a certain amount at all events? A.—I think I would let them collect fees to a certain amount.

Q.—County attorneys and clerks of the peace, they are practically combined, except in Toronto? A.—Yes, largely so.

Q.—What is your opinion as to their manner of compensation? A.—Well, I think the fee system is right there too, I do not think either of them in this city gets more than a fair salary.

Q.—You say from your own experience that these officers do not get more than amounts to a fair living salary? A.—No; I have been the auditor in this county five or six years.

Q.—Registrars of the surrogate courts, they are combined with some other offices, are they not? A.—Not in this county.

Q.—The clerks of the county courts, they are paid by fees also, do you see any reason for a change there? A.—I do not.

Q.—Well, as to the sheriffs, what do you say about their compensation? A.—Well, the compensation of the city sheriff is pretty large, but still he has great responsibilities.

Q.—And throughout the counties, what do you say as to that? A.—Well, I can only speak as to this county, and his salary is not overly large now.

Q.—Do you express any opinion about the city sheriff? A.—I do not think there is much chance to take anything off the city sheriff at the present time. It might get large enough so that some could be funded and a certain percentage paid over to the Government.

Q.—I suppose you do not know much about local masters? A.—No.

Q.—The registrars of deeds, you know a good deal about them however? A.—Yes.

Q.—What do you say as to the manner of their compensation? A.—Well the compensation has not been large in this county. It was pretty good four or five years ago, and the county got quite an item from the registrar, but this year we will not get anything from the county registrar, there will be no surplus.

Mr. Robinson: Q.—Who is he? A.—Mr. Ridout.

The Chairman: Q.—What do you consider a fair salary for registrars, considering their duties and responsibilties? A.—Well, there is considerable responsibility, but it is more of a technical kind, it is not like that of the sheriff at all.

Q.—It is not so great? A.—No.

Q.—But what figure would you say? A.—I would say that about three thousand dollars or three thousand five hundred dollars should be ample.

Q.—And the sheriffs? A.—I think they should get five thousand dollars.

Q.—Is that in the country or in the cities? A.—In cities.

Q.—And you were speaking of the registrars in cities too? A.—Yes.

Q.—What would be the salary paid to county treasurers now, is there any average at all in that? A.—No, each council makes its own terms and appoints its own treasurer.

Q.—What has been your observation as to the county council, do they generally screw people down or give them a living salary? A.—They do not give a living salary in hardly any instance. In this county they only give our treasurer $1,400 a year in the city, and he has to give bonds to the extent of $40,000, that is for the county of York.

Mr. Hobson: Q.—What would it cost with a guarantee company for $40,000?

Mr. Fleming: One per cent.

Mr. Hobson: Q.—That would be $400 a year for the guarantee? A.—Yes, it would cost about $400 a year.

The CHAIRMAN: What does the county clerk get? A.—$1,200 a year.

Q.—And the county treasurer may be elected from year to year, but practically he is continued? A.—Yes.

Q.—And as to the clerk? A.—He is practically continued.

Q.—What do you say about the system of having deputies; I suppose in the office of the registrar there must be a deputy? A.—Yes.

Q.—And in the sheriff's office? A.—Yes.

Q.—What do you say as to the fixing of the salary of the deputy by some one other than the chief officer? A.—Well, I think there should be some person; I would suggest that the county judge should be the person; he understands and is acquainted with the business more than anyone else.

Q.—In all these offices where a deputy is needed, would you favor the fixing of the salary by the county judge? A.—I think so.

Q.—That is the salary of the deputy? A.—Yes.

Q.—Then any additional work, clerical work that may be required, should that be paid for on a settled scale, or left to the head of the office? A.—I think it should be paid upon a scale.

Q.—What scale would you say? It is chiefly copying work, I suppose? A.—Yes.

Mr. ROBINSON: So much per folio.

The CHAIRMAN: Q.—Whatever that may be, you think there ought to be some fixed sum, that it should not be left to the whim or discretion or honesty of the person who employs them? A.—I think not, because in my observation the deputies do all the work about.

Q.—In what offices? A.—In the sheriff's and the registrar's offices.

Q.—Can you see any way of obviating that? A.—No, I do not.

Q.—Do you see any way by which the sheriff and the registrar could do all the work now done by the deputies themselves, to the advantage of the public service? A.—No; I do not think they could.

Q.—Explain why? A.—I think there are too many things to look after for one man to do; he would require some assistance.

Q.—So that in your view a deputy is necessary in the offices you have mentioned? A.—Yes.

Q.—For the purpose of having the work properly done? A.—Yes; and having the public attended to when they come in.

Q.—So that in your opinion no good end would be attained by having the sheriff and the registrar perform all the details of the office, and doing all the clerical work, with a view to reducing the expenses? A.—I do not think there would.

Q.—You think that a deputy is a necessary part of the system, although it may increase the expense? A.—I think necessarily so. As far as the county registry office is concerned, I do not think the principal has been there for years; he has done nothing.

Mr. HOBSON: Q.—That is the office in your own county? A.—Yes.

The CHAIRMAN: Q.—What do you say about the system of promotion of these deputies to the chiefship in the offices? A.—In many cases that would be a very good thing for the public to have the deputies promoted.

Q.—In that way you would constantly have a man in training, and he would presumably make a competent head? A.—Yes; one who would understand the business.

Mr. MASON: Q.—Do you know whether, as a rule, the deputies continue in office, notwithstanding a change in the head? A.—Well, they have done so here in this county. I do not think the present city sheriff could have got along without the present deputy. I think he is a most efficient man in the service.

Mr. ROBINSON: Q.—Who is the deputy? A.—Mr. Severs.

Q.—Was he in the same position with Mr. Jarvis? A.—Yes; he has been there nearly forty years.

The CHAIRMAN: Q.—Would you suggest anything in regard to the public inspection of these offices, different from what we have at present? A.—I think the inspection is all right now; I see no necessity for any change in that respect.

Mr. MASON: Q.—Would it be any better if the inspection were done by the county council? A.—No, I think not; they do not know enough about the business to inspect the offices.

Q.—Has the question of salary as against fees ever been considered by the county council of York? A.—They have been speaking of it, but no resolution has ever been brought in to that effect.

Mr. ROBINSON: Q.—And none as to the payment over? A.—No; the most they have been talking about has been as to whether the fees are not too large, and might not be reduced.

Q.—That is the fees generally? A.—Yes, the fees generally, but more particularly the registrar; they think the fees might be reduced for registration purposes. If it is reduced in this county it will have to be reduced all over.

The CHAIRMAN: Q.—It would be the proper way to have the office self supporting, and no more; and not have a surplus of fees. There is no need for accumulating a surplus if you can reduce the fees so as just to cover the expense; but you could not apply a uniform system all over in that way; you might be able to reduce the fees in one place, and could not do it in another; it would be very difficult to work such a system? A.—That would not be just to the general public.

Q.—Then how would it do to have all the fees funded, and salaries paid out to the different registrars according to their scale of living in the different counties? A.—That would be all right enough for registrars; but I would not approve of that system for the sheriffs.

Q.—Why not? A.—There would have to be a reserve for them in the case of losses, so that the sheriff would not have to pay it out of his salary. Take the case of the county sheriff here in Vaughan; it cost him $1,700.

Mr. ROBINSON: Q.—Through no fault of his own? A.—No; it went through the different courts, and was decided in the sheriff's favor; so when it went to court, Court of Appeal, it was decided against him.

Q.—Just a nice question of law, I suppose? A.—Yes.

Q.—That was the county sheriff Widdifield? A.—Yes.

Q.—Was it a case of illegal seizure? A.—There was some wheat seized, and a couple of parties broke open a door of the building and were taking it away, and he arrested them.

Mr. HOBSON: Q.—Going back a little I understood you to say you thought it was desirable that the deputy should be appointed by some one other than the head of the office? A.—Oh no, I did not say that, I think the head official should appoint his deputy.

Q.—I was going to ask you if you did not think friction might arise in that case? A.—It certainly would.

Q.—Then in the matter of salary, might there not be a little difficulty arising in this way. In some of the offices there is comparatively little to do, one man if he could be there all the time could do the work? A.—I believe they could.

Q.—In one office the work of the deputy might be lighter, and in another office there would be double the work. Would there not be some difficulty in arranging the salary in those cases? A.—I do not see why there should be; the county judge is conversant with the work done in the offices.

Q.—You think it could be satisfactorily arranged in that way? A.—I think it could be.

W. G. SMITH, examined by the CHANCELLOR:

Q.—You are mayor of Guelph? A.—Yes.

Q.—What municipal offices have you held up there? A.—That of alderman and mayor.

Q.—How long have you lived in the county of Wellington? A.—I was born there, and have lived there all my life except two years I was in Toronto. I am a druggist in the city of Guelph.

Q.—Have you considered the matters that are before us, as to the appointment and payment of the different officers named? A.—I have given the matter some consideration.

Q.—Has it come before you in your council at all? A.—The question has come up occasionally, nothing very specific until the last few months since the agitation has been instituted in regard to it.

Q.—What is your opinion as to the manner in which these officers should be appointed? A.—From my experience in our own municipality, and from my general knowledge of municipal work and these public offices, I think the present plan of appointment by the Government is more practical all round.

Q.—What objection do you think would arise if the people were to elect or the county council to choose? A.—There is more objection to election by the people. From our past experience of getting officers by election there is so much wire pulling and working of that kind, the man who is the most industrious canvasser and who can do the biggest promising is almost sure to get in.

Q.—The election does not go upon merit? A.—No, sir; no matter what a man's merits are unless he goes out and works he generally does not get elected. That has been our experience.

Q.—You do not think any good would result from the council choosing, as compared with the present system? A.—No; I would prefer that to the popular vote, but I think, looking this question of appointment all round I would say that the method of appointment by the Government is to be preferred; it insures more efficient inspection, and I think it is likely to result in better men being appointed to the positions.

Q.—Then what do you say as to the manner in which these officers should be paid, take the registrars, for instance? A.—You mean whether they should be paid by fees or by a fixed salary?

Q.—I suppose you believe that fees should be collected from the persons making use of the offices, the persons who are served? A.—Yes; I think the person who avails himself of the services of the registry office should pay for it.

Q.—Assuming that fees are to be collected in that way, should the officer retain those fees as his payment, or should he get a fixed salary out of them, or how would you deal with them so as to pay him? A.—I think there should be a salary attached to the office, that is a good round salary for the services rendered. As I understand it, the registrar receives the fees up to a certain amount, and after that a portion is given to the county and another portion to the Government. My impression is that being paid by fees the registrar will look more closely after the office, to see that the work is kept up. That is to say, if he gets a fixed salary no matter how much he does the human tendency is to do as little as he can for it. I have looked the matter up a little since it has come up, but not as much as I would have liked to, and my present impression is that the system now in vogue is just about as fair all round as can be for the purpose of getting good service and not paying too much for it.

Q.—Do you know anything about what Division Court clerks and bailiffs get? A.—I think the fees are very small, the revenue from those offices is greatly reduced to what it used to be, there is less litigation and less changing of property and that sort of thing. I think if it were possible to fix the salary on the basis of the volume of business done for say five years past it would be in one sense more satisfactory, but it is very difficult to do that. It is like a man being in business, some years are more prosperous than others, and of course if you work upon the fee system the more business is done the greater are the fees, so that my opinion is that payment by fees is perhaps more satisfactory; they would look after things more closely.

Q.—Have you any complaint as to the amount of fees charged for the particular services; do you think there should be any reduction? A.—I have never heard of any complaint of the fees charged.

Q.—Are there any other officers besides those that are mentioned here in regard to whom you would suggest anything? A.—Well, there is the sheriff, the registrar, the Division Court clerks and the county attorney, I do not know of many more officers.

Q.—What do you say of the county attorneys, would you advocate the payment by the fee system for them? A.—Yes; I think the fees system is the most satisfactory.

Q.—If the fees collected are excessive, more than a fair salary, do you think the officer should retain them? A.—No; there should be a maximum and a minimum salary, and anything beyond that amount ought to go to the county that keeps up these offices.

Q.—What do you say the minimum salary or compensation of a sheriff should be? A.—The amount of business transacted in the office, and the size of the place he lives in ought to have a good deal to do with that. If you will allow me to take as an illustration our own city of Guelph, with which of course I am more familiar, I would say the minimum salary of the sheriff should be at least $3,000. I think considering the responsibility and risk of loss he has to incur in carrying out his duties that $3,000 would be the minimum.

Q.—That is for himself? A.—Yes; and the other expenses to be paid out of the fees. It is a very responsible and dignified office, and he should give his whole time to it, and I do not think he should be asked to accept the very smallest amount that it is possible for a man to live on. Then from that up I would say to $4,000. I think the least a registrar should receive is $2,500 to $3,000.

Q.—I see that in your county there are two registry offices, is it in the public interest to have two instead of one? A.—If there were only one it would necessitate parties going a very long way, as ours is a very large county. I do not know why the county was divided, it was done more than fifteen years ago. My recollection is that it was divided because of the very long distances people had to go.

Q.—Then as to the deputies and assistants of these officers, how do you think they ought to be appointed and paid? A.—As a man in business I do not hesitate to say that the registrar and sheriff, being responsible for the conduct of their officers should appoint them, that they should be amenable to them. They are responsible for any errors or blunders they may make.

Q.—Subject to any supervision as to what he pays them? A.—I have not thought of that. That is really more a question of commerce, that is to say, of supply and demand.

Q.—It has been said by a witness here that if you pay these chief officers a salary you may safely leave them to pay their assistants out of the fees, but if the chief officers are paid out of the fees they are apt to squeeze the assistants, because it takes so much more away from what they would get, and that some supervision ought to be exercised in that case to see that the deputy gets a fair living salary? A.—Well, that would come within the scope of the inspector, I presume. I think the inspector should see that they receive fair remuneration, but I think the deputy in every sherriff's and registrar's office ought to be appointed by the head in order to secure proper subordination in the office. If I were a registrar and the Government appointed my deputy, I should feel that I could not get much satisfaction unless I had sufficient authority to either dismiss or reprove him. He might snap his fingers at me, and say, "I am appointed by the Government, you may do what you like."

Mr. MASON: Q.—Have any cases come to your knowledge where Division Court bailiffs have endeavored to make business in order to collect fees? A.—I have not come across any such instances.

Q.—I mean where the bailiff has advised the defendants so as to make more business for himself and the Division Court clerk? A.—No. I am well acquainted with the Division Court clerk and the bailiffs for a number of years past, know them personally very well, and I have not come across anything of that kind, I have heard no complaint of that kind.

Sir MELVILLE PARKER, examined:

Q.—What has been your experience in municipal matters? A.—I have been reeve or deputy reeve of the township of Toronto in the county of Peel for the last 35 years, since 1858, and in the county of York part of the time.

Q.—At the head of the municipality? A.—As a warden for county of Peel for two consecutive years.

Q.—What have you to say as to the manner of appointing these different officers named in the list? A.—My opinion is that they ought to be appointed as they are appointed now, by the Government; I think the Government ought to have that responsibility. As to placing it in the hands of the county councils, I think that would be a great mistake. The election of a reeve in a township is a matter of "Hail fellow well met." We have sometimes the most ignorant men sent in, and they would be most likely to choose somebody who had influence but no qualification and elect him.

Q.—Are you speaking of appointment by the council or election by the people? A.—I am speaking of both. Election by the people is I think altogether out of the question. I am not as democratic as to like that; I think it would be a great mistake. The people at large would have no means whatever of judging of the respective merits of the applicants. In regard to election, we have of course had elections of public school inspectors, which comes in rather a different category, but in that although there are certain examinations I do not think the attainments and qualifications of the applicant are thoroughly looked into.

Q.—Is there any reason for making a change? A.—I think not; I think the Government ought to be held responsible for these officers.

Q.—Do you think the registrar is in any sense a municipal officer? A.—I think not. I do not think there is any propriety in remitting it to the municipal hands to deal with. I think the Government ought to take the responsibility of such appointments.

Q.—And do your remarks apply to all the officers we are dealing with? A.—Yes; the others besides the registrar are all officers of justice connected with the courts. The Division Court clerks ought to be appointed as they are now, subject, I suppose, to the recommendation of the judges of the county.

Q.—Their appointment was formerly in the hands of the judges, but the judges themselves approve of the present system of government appointment and inspection? A.—Yes.

Q.—Then what do you think as to the manner in which these officers should be paid? A.—I can only speak from my knowledge of our own county. I consider that the fee system is the better. If I have a deed to register I ought to pay for doing so; and the person for whom the service is performed ought to pay for it.

Q.—But as to how the officials receiving those fees should deal with them, should they put them in their pockets as their remuneration, or receive a fixed salary out of the fees? A.—I think there ought to be a fixed amount, and if the fees do not amount to that it ought to be made up. There should be a fixed rate of salary, and if the fees do not come up to that it should be supplemented from some other scource.

Q.—That is to say if the fees amount to sufficient the officer should receive a fair living salary? A.—Yes.

Q.—And if the fees fall short of that what would you propose? A.—I would propose that Ontario should supply the balance. There are lots of counties in the province, large and small, and I think an equitable division ought to be made of the fees of the whole, and pay these officers in that way.

Q.—To what officers do you specially refer? A.—I refer to the registrars and sheriffs particularly in that respect.

Q.—That is that the services in those departments should be regarded as provincial services, and the Government should receive the fees and out of them pay ratably the different officers? A.—Yes.

Q.—What would you say as to the likelihood of the sheriff, upon whose alertness in the discharge of his duties depends, being as efficient when paid by salary as when he is paid by retaining the fees he collects? A.—I cannot tell about other sheriffs, but I think our sheriff would give as good service; if you had a good man he would do as well under salary as when paid by the fees he collected.

Q.—Some think it is in the public interest that the sheriffs should be paid by fees depending on his own exertion; they think if he was being paid a salary he might let things slip? A.—I think if he did let things slip there are ways of making him attend to his duty, are there not?

Q.—Yes. The question is whether the supervision of the official would operate in as stimulating a way as the fact of his having a personal interest? A.—Yes, I can understand.

Q.—Of course if the fees were more than sufficient it would be an obviously proper thing to put them on a reasonable salary? A.—Yes.

Q.—Would you propose a reduction of the fees, if that were possible, so as to make the office just self sustaining? A.—No; if there is anything over and above I think it should go to the county which the sheriff represents, in which the work is done. I have not looked very closely into the present system as brought up in a resolution on the Ontario House, but as far as I did it looked to me to be very equitable.

Mr. Robinson: Q.—Are you aware of any injustice being done to deputy registrars by reason of the smallness of their salaries? A.—I know of nothing of the kind in our county.

Q.—Do you think it well that the appointment and the fixing of the remuneration of the deputies should be in the hands of the head of the office? A.—Well, that is a question. I fancy the deputies might better be dealt with by the Government, because I think that possibly some of the officers are inclined to get a deputy as cheap as he can be got; there is a great deal of that; some will do it cheaper than others; I think it ought to be a Government appointment.

Mr. HOBSON: Q.—Don't you think if it were a Government appointment there might be some difficulty in the matter of control; do you think they would get on as smoothly in the office? A.—That is a question I am not exactly clear on.

The CHAIRMAN: Q.—If the head officer is to be responsible for the mistakes of his subordinate———— A.—He ought to have something to say in it; I should think so.

Q.—At present the head of the office is responsible for that office, and appoints his deputy? A.—Well, how would it do to let the Government state the salary he is to receive; I think that would remedy it.

Mr. HOBSON: In that case there would have to be a special amount fixed for each office, according to the amount of work to be done? A.—Yes; there is double the work in some counties that there is in others; there are counties three times the size of the county of Peel.

The CHAIRMAN: Q.—It would have to be fixed with some reference to the amount of fees coming in? A.—Yes.

Mr. ROBINSON: Q.—In your opinion should these officers, the registrars and sheriffs, be confined to the duties of their office, or would you allow them to occupy themselves in other avocations? A.—I think I would confine them to the duties of their office.

The CHAIRMAN: Q.—If you gave them a fair salary, that would be a necessary consequence? A.—Yes.

Mr. ROBINSON: Q.—Did you say you had been thirty years? A.—Forty years altogether in county councils, between York and Peel. I haven't been in the whole of that time; I was out twelve years or so, but I have been off and on, if I may use that expression, since 1858, or something like that.

The CHAIRMAN: Q.—You have not lived in this country all your life? A.—Well, I came here as a young man; I came here in 1840.

Q.—You were here at the introduction of the present municipal system? A.—Yes, I have seen it since its infancy.

E. A. MEREDITH, LL.D., examined by the CHAIRMAN:

You have had a large experience in connection with the Canadian Government? A.—Yes; I have had upwards of thirty-one years.

Q.—But you have no particular knowledge of municipal matters? A.—No; I do not know anything of the working of municipal offices; I can only speak upon general principles.

Q.—Then do you consider that these officers are municipal officers in the proper sense of that term at all, or provincial officers? A.—In the sense of discharging their duties in a particular locality, some of them are local officials; but of course they are branches of a larger organization for the well-being of the country at large.

Q.—You will observe that all of them, except perhaps the registrars, are in connection with the administration of justice? A.—Yes.

Q.—Having regard to that, do you consider that they are officers whose appointments should be in the hands of the municipality, or in the hands of the Government? A.—I think the present system of appointment—and I speak as much with reference to the Government at Ottawa as that here—is open to very many grave objections; but I am not quite so positive as to the means of remedying the evil or providing any better means of appointing.

Q.—You are speaking of the civil service as a whole? A.—Yes; and these appointments among others. In the first place it is quite evident, theoretically, that that method of appointment is best which secures the appointment of the best officer that can be selected. I think with the present system that it is unlikely that the best man can be appointed, because the Government, both at Ottawa and here are hampered by political considerations which prevent them from appointing the best men.

Q.—Would any change in the appointing power, from the provincial to municipal control, cure that? A.—That I am not prepared to say. I think possibly some of the officers might be appointed by municipal councils. I am wholly opposed to election, of course. I see the evils of the present system, but I do not so well see how to remedy them. Possibly some of the officers might be appointed by the county councils.

Q.—What officers? A.—The registrars; I am not prepared to go through the whole list, because I have no special knowledge of the duties of the officers.

Q.—Are you able to say from any opinion you have formed that a change of the appointment from the Provincial Government to the municipal council, in the case of registrars, would be of advantage? A.—I am not positively prepared to say whether any benefit would result or not. I think the municipal council would be free from some of the difficulties by which the Government is hampered in making the appointment.

Q.—You mean political influence? A.—Party interest. Of course the Government is practically prevented from appointing to office any one outside of their own party; and that excludes one half of the community from participating in these offices.

Q.—Of course that is not so in the case of the judges? A.—No; I am not speaking of the judges. Then another consequence of the present system, it seems to me, is that offices are often left vacant on account of political exigencies, both at Ottawa and here, for a number of years; showing one of two things, either that the officer is not wanted at all, or that the public is being injured by the office not being filled. I think there is also a tendency to needlessly create offices to satisfy the demands of claimants. These are some of the objections to the present system which strike me.

Q.—They are inherent in the system? A.—I think so, no matter what the Government may be.

Q.—Do you perceive that the evil effects you have pointed out existed in a more aggrevated form in the United States than they do here? A.—I am quite aware of that.

Q.—Then, of course, you are now touching on the subject of civil service reform, which is a problem not yet successfully solved by any Government? A.—I do not know that it has been.

Q.—The remedy suggested is that civil servants should be appointed and promoted from among those examined as to their efficiency? A.—That is the present system, at least in theory so far as the Federal Government is concerned; I am not quite certain it is the system in practice.

Q.—Has that been found effective? A.—I do not know that it has I do not speak positively, but I do not think the thing has worked very well, and it does not at all prevent the multiplication of offices unnecessarily, which I think is one of the greatest evils.

Q.—I suppose public persons acknowledge that the government of a country is a most expensive thing? A.—And especially the Government of Canada; I think it is about the most expensive Government in the world.

Q.—That is owing to the extent of territory covered? A.—Of course, to some extent, but I think there are many other and more influential causes.

Q.—Your answer covers the system of the Dominion as well as the Provincial Government? A.—Yes, certainly.

Q.—Then would you suggest that some of these officers could beneficially be appointed by the municipal government? A.—Well, I do not know very much about municipal councils, but it appears to me they ought to have a knowledge of the qualifications which these officers should possess. I think it might be of advantage if they appointed some of them. I entirely object to any appointment by election by the people.

Q.—Then, assuming that any of these officers were appointed by municipal councils, what kind of supervision would you prefer in that case, under what responsibility would you have them act in the discharge of their duties? A.—I have not followed the thing out to its conclusion. I do not see, however, why there should not be Government inspection just as well if they were appointed by the municipal councils.

Q.—If you have an unpopular law in certain localities and the officers on whom the enforcement of that law depends are appointed by a local body, have you not at once a danger arising there of the enforcement of the law being neglected? A.—I think it probably might be.

Q.—What you say would probably refer to registrars. Nearly all these other officials are concerned in the administration of justice, and in that connection you recognize the essential of having an equal administration of justice all over the country, not subject to local interest? A.—That certainly is desirable.

Q.—Then, as to the method of remuneration? A.—I have no experience as to that, but I think they should be paid salaries out of the fees collected, because it is evident the official should be paid for his services by the persons for whose benefit the services are performed. I think a maximum and a minimum rate of salary ought to be fixed, and the fees if they go above the maximum funded. In considering the question of remuneration I think the matters to be taken into

account are, first, the work and the responsibility involved; secondly, the amount of education and intelligence required; and third, the question of the cost of living in the locality. Of course it would be ridiculous to give a man living in a large city only the same salary you would give him in a country place where the living was much cheaper. Then, I think it should be quite understood that an officer appointed to any of these situations should be expected to discharge a reasonable portion of the duties, and not leave it altogether in the hands of the deputy. He should take a fair share in the daily work of the office, either in the way of supervision or in actual manual work.

Q.—Then as to the appointment and remuneration of deputies? A.—I would not like to make any suggestion on that subject.

Q.—Have I covered all the ground that you are prepared to speak upon? A.—I think so.

Mr. ROBINSON: Q.—Do not the objections which you urged to appointment by the Government exist in the Old Country? A.—I do not think so, at least not to the same extent.

Q.—Did you ever hear of a party appointing a man to office from outside of the party? A.—Yes, in the Old Country, constantly.

Q.—Except the judge? A.—I think so. Of course the present system is largely the result of party government, to which I am personally opposed.

Mr. HOBSON: Q.—Do not you think if the appointments were made by the county councils there would be a good deal of party feeling engendered in making the appointment? A.—I cannot say positively about that, but I do not see that there should be so much. The county councils are not necessarily divided on party lines.

Q.—But they are very often largely sectional. Then would you expect that county councils would carefully consider the qualifications of candidates for these offices of registrars and sheriffs, who, of course, require special qualifications? A.—Yes, of course they do; it is because I think those qualifications are not sufficiently considered under the present system of appointment that I object to it. I think I remember the Hon. Robert Baldwin saying on one occasion that he never was able to appoint the best man to any office, and I think that is pretty generally the result.

The CHAIRMAN: Q.—Do you think that would be improved by putting the appointment into the hands of the county council? A.—I am not at all so positive about that. I would be willing to make the trial.

Mr. ROBINSON: You have quoted Mr. Baldwin, now I will quote Lord Palmerston; he said that as long as party government existed, and the patronage was in the hands of the secretary, the Government must blood the noses of their own hounds. Now, how are you going to get rid of that and carry on party government? A.—I do not know; I only want to remedy one of the evils.

A. M. SMITH, examined by the CHANCELLOR:

Q.—What experience have you had in municipal matters? A.—I was a member of the council of the city of Toronto for some years, and I have also been a member of Parliament. I have been here going on 57 or 58 years.

Q.—You were here when the first municipal law was brought in? A.—I was here in 1838.

Q.—Which do you think is the better plan of appointing these officers we are inquiring about? A.—I do not think it is possible to improve on the present system; I think it is very good. The Government has the whole country to choose from, while the municipal body would have only a local choice.

Q.—As between appointment by the councils and election by the people, which do you think would be the better if there was to be a change? A.—I would not make the change, sir; I do not think either plan would be any improvement. I think the Government has the opportunity of knowing a great deal more about the candidates, and besides they want a little patronage now and again, you know.

Q.—And as to the manner of payment, how do you think they should be paid? A.—Well, that is a difficult question. I think possibly the only change I would make would be in the case of sheriffs. I think the probabilities are that if they were paid by salaries in place of by fees they would be likely to hand over moneys more quickly. I think they should be made to hand over the money as quickly as possible. There have often been complaints about sheriffs holding moneys longer than their clients thought desirable.

Mr. Mason: Q.—How does the plan of their payment affect that? A.—It is often made an excuse that the funds are in the hands of a bank. Some of the sheriffs are not in the habit of paying over very promptly.

Q.—But how does the manner of payment, whether by salary or by fees, affect that? A.—I think if they were paid by salary, without any possibility of their benefitting by money lying there at their credit, they would be more likely to hand it over at once. I may be wrong in my views in that respect. I think if there is any change made it would be in that respect, by paying salaries to the sheriffs. If you gave them a fixed salary they would have no excuse for holding over the funds.

Q.—What excuse would they have if they were paid by fees? A.—Well, they do it, you know.

The Chairman: Q.—Do you think they would be as efficient in acting promptly in the case of seizures and so on if they were paid by salary as when they were paid by fees out of what they seize? A.—Well, I am free to confess that I have not gone very far into the question, but I thought if there was any change desirable it was in that point, but I do not know now that I am right; I think possibly it would be just as well as it is.

Q.—As to the other officers paid by fees, do you think there should be a line drawn when the fees reach a larger sum than would make a fair salary? A.—Yes; I think there ought to be.

Q.—You know the present system, that after a certain amount is reached they have to pay over a portion to the municipality. Do you approve of that? A.—Yes.

Q.—The officer, whether paid by fees or by a salary out of the fees, should get a fair remuneration? A.—Yes, but not an excessive amount.

Q.—In offices where deputies and assistants are required, what do you think should be the manner of their appointment and compensation? A.—I think they should be regulated by the chief, subject to the approval of the Government. I

think no man should be kept in any office unless he is in accord with his chief, but at the same time before he gets there I think it should be subject to the approval of the Government.

Q.—And as to the payment of the deputy, would you have that fixed by the Government, or would you leave it to the discretion of the chief officer? A.—If the country pays for it I think it ought to be by the sanction of the Government.

Mr. ROBINSON: Q.—What salary do you think the sheriff in a place like Toronto ought to get? A.—Well, in a place like Toronto it is a very responsible office. I should think if he got $6,000 or $8,000 it would not be too much where there is the amount of responsibility there is here. Of course there are counties where there is not a great deal at stake; it would have to be regulated in that way.

Q.—And would you give a registrar about the same salary, or more or less? A.—I do not venture to enter into that fact; I have never run much against any of these people, and I am not prepared to say really what their services are worth. I think it is the duty of the Government to see that every man renders a fair service for the money he gets and the risk he runs.

Mr. HOBSON: Q.—I suppose in the case of registrars you would say they would require a higher salary in Toronto than elsewhere, in the counties? A.—Yes; it costs more to live and maintain the social position; it is altogether different.

Mr. ROBINSON: Q.—Would you allow the registrar or sheriff to do anything outside of the duties of their position? A.—Certainly not; if they attended to that, in the city at any rate, they would have enough to do.

The CHAIRMAN: Q.—Is there anything else you would suggest? A.—I would suggest that the Government should see that the remuneration paid to subordinates is at a reasonable rate, in accordance with the services rendered.

Mr. ROBINSON: Q.—Is that because you think some of these deputies are kept upon a salary that is scarcely fair to them? A.—Some of them probably do a great deal for what they get, and that is what I meant; I thought the Government should see to it.

The CHAIRMAN: Q.—So they shall not be underpaid or overpaid? A.—Yes; I think they ought to be paid in proportion to the services they render.

GEORGE GRAHAM, examined by Mr. Robinson:

Q.—What is your opinion as to the advisability of the appointment of sheriffs and these other officers, whether by the Goverment, by the municipal council, or by the vote of the people? A.—I do not approve of the people appointing them at all, I think they should remain as they are.

Q.—What do you say of appointment by the county council? A.—That would be equally objectionable.

Q.—Then you think it is better as it is? A.—I think it is better to let the Government make the appointment and bear the responsibility of it. Another reason is that if the county makes the appointment it is to be expected that the Government will withdraw their payment to the expenses of criminal justice, and when it is put to our people in that way they say they do not believe in

making any change. It is not reasonable that the county councils should have these appointments and the Government still continue to pay that money. Large portion of the costs of criminal justice are paid by the Government, and all we pay the sheriff is for balloting and summoning jurors, etc., in connection with the administration of civil justice.

Q.—At all events as far as the appointment is concerned, you would have that remain as it is at present? A.—I would, most decidedly, and I think most of the people would too.

Q.—Then as to the payment of these gentlemen, take the sheriff and registrar, what is your idea as to paying them, whether by salary or by fees? A.—I would fix an amount for them to receive in fees, limiting amount. I would let the parties who use the sheriff's or registrar's office pay fees sufficient to pay a proper salary, it should be paid for by those who make use of it. If the present fees are not sufficient to pay a fair remuneration I would raise them.

Q.—What would you do in counties where it is more than sufficient? A.—It might be funded, not to overrun more than a certain sum, and the balance I am not certain whether it should go to the county or to the Government, but I think it should go to the county, so far as the registrar is concerned.

Q.—Should it not go to the county to recoup it for expenditure on the office? A.—I think so, there are a great many things you know which the county cannot be recouped for, the expense of juries and getting them to court and so on But there are other things which could be recouped such as fuel, repairs, books, stationery, etc.

Q.—Then where there is any overplus you would have it placed to the credit of the county or the Government? A.—In the case of the sheriff I would have it placed to the credit of the Government, and in the case of the registrar to the credit of the county.

Q.—And do you think the gentlemen who hold these offices should devote their whole time to it? A.—I believe that a man who has an office should be in that office and work there, and if he wants payment for his time he should give that time to the office, reasonable allowance being made for holidays or reasonable absence. I do not believe in a man making a sinecure of an office, hiring to do the work and him going round doing nothing.

Q.—Do you know anything of the position of deputies in registrars or sheriff's offices suffering injustice in the way of being underpaid? A.—I never knew anything in that way, but I think they might. It is the law now that after $2,500 registrars must pay ten per cent. to the county, and out of that $2,500 they must pay their hands, and it comes down pretty small after they pay their expenses. That is why I would say let the fees for registration purposes be raised so as to pay the deputies a more reasonable salary.

Q.—But there would be a difficulty if they were not raised all over the country? A.—Well, what are they grumbling for now, they are grumbling so as to get it in their hands to make the income less.

Mr. Hobson: Q.—Would you recomend paying the salaries of the weaker offices from the surplus derived from the stronger ones? A.—I certainly would if it would meet the case, but I do not think it would, I think it would require in each case a little more fees.

Q.—Then you would recommend that all the officers be paid a reasonable sum, and if the fees were deficient it should be supplemented from the general fund of the county? A.—No, from the surplus acquired in the shape of fees from parties using the offices, not from the general public, because nine-tenths of the general public never go into the sheriff's office, and it would be unfair and unreasonable to say that the deficiency should be raised by taxing them when they never use the office. If I go to law I have a right to pay my own fees.

Q.—In a general way you would like to see the offices self-sustaining? A.—Yes.

Mr. ROBINSON: Q.—Under the present system you think the salary received by the registrar in your own county is hardly a fair one? A.—I do not think it is.

Q.—And he is paid by fees? A.—Yes. It would be a fair one if there was some means of paying the deputy, and he has to have a clerk occasionally for copying, you know.

Q.—How is it with the sheriff in your counties? A.—Our sheriffs is just about as poor an office as you have got. After he has paid his deputy and other expenses he has only about $1,300 left. Last year was less.

Q.—Do you think his salary ought to be supplemented by the Government? A.—I think it should, or there should be an increase in the amount of fees charged to those who use the office. I would be decidedly opposed to the appointment of sheriffs and these other officers by the vote of the people or by the county council. The people are not capable in many cases of judging who is qualified for these offices.

Q.—Do you think the very fact of their requiring election by the people would tend to interfere with the proper discharge of their duties? A.—It would interfere this far, that men who are not qualified for the office would make a struggle to get appointed, and once having got it they would make every effort to retain it, and become petty politicians, and the whole thing would be run into the ground like it is on the other side. In the United States they tell me that as soon as a man is appointed to office there he begins canvassing for the next election.

Mr. MASON: Q.—I understand you are the county treasurer. Do you look upon these offices as being local offices in the same sense that your own is? A.—No; my office is connected with every one in the county, they are all tax payers, I get their taxes; but there is not one-fifth of them that have anything to do with the sheriff or the registrar. Therefore I would make those who use these offices pay for them.

Q.—You think they are there for the convenience of the people in a particular district, that they are easier to get at than if all the law were administered from Toronto, and necessarily they are in a sense local? A.—They are local in one sense, in the sense that it is easier to get at them.

Q.—But not in any other sense? A.—No. We have a good many officers in our townships—assessors, collectors and auditors. Well, I know the kind of auditors that are put in, I know how that is run pretty well.

Q.—Do you think a system of inspection by the Government would be better than one by the council? A.—There should be a Government auditor, someone independent of the council, to audit the accounts of the county, town and other treasurers.

Q.—You have been treasurer a good many years? A.—Twenty-seven years.

Mr. Robinson: Q.—You have no fault to find with the present system of inspection by the Government? A.—Only that it is too easy I think.

Mr. Hobson: Q.—What would you say would be a fair living remuneration in the case of sheriffs and registrars? A.—Speaking of such a county as my own I think he should have $1,500 or $1,800 a year clear.

Mr. Mason: Q.—That is in a county similar to your own? A.—Yes; and then as to the provision for the deputies; I think the better plan would be, because the Government now pays more than one-half of the sheriff's fees, if they still continued that, then I think they might meet the deputies by raising the fees.

Q.—What amount would be fair for the registrar, as much or more than the sheriff? A.—I think he ought to get as much, he is under obligations to give security and all this. He ought to get about $1,800 exclusive of the deputy's.

Q.—If either or both of these officers were paid by salary, do you think they would be any less alert in the performance of their duties than they are at present? A.—Well, that is a question. I am afraid they would not attend to business as well as where they got all they made. When you look at the bill of the county attorney and clerk of the peace, for instance, and see the totting up and down, how that is made up, I question very much if those things would be there if he was paid by salary.

Mr. Robinson: Q.—Is there anything else that occurs to you as to which you have not been asked? A.—One difficulty if these officers were elected or appointed by the council is as to who would do the supervision, there would not be the same uniformity. I know that from my experience with the assessors.

Mr. Hobson: Q.—You approve of these officers when appointed by the Government continuing there during good behaviour? A.—Yes.

CLARKSON JONES, examined by Mr. Robinson:—

Q.—What is your opinion in regard to the appointment of the officers named in this list and the advantages derived from their being appointed by the Government, as is now the case, or elected by the people? A.—I am very strongly of opinion that the appointment should be in the hands of the Government. I think it would be a great mistake if the appointments were placed in the hands of the municipality. There would be a great deal of log-rolling, and there would be no knowing who would be appointed, whereas when the Government appoints them they are in a measure responsible. In the case of appointment by the Government, the local member has a certain amount of influence naturally, and quite right, but the appointment comes under the Government's supervision, and I cannot help thinking that that is the way in which the appointment should be made. For myself, I object to the election of any of these officers. I have had a little experience in the United States, and after what I have seen, I do not want to see any more of it.

Q.—Have you heard any dissatisfaction expressed by the people in the United States themselves? A.—In casual conversation I have heard a great many of them say that they would much prefer our system. That, I may say, however, was more with regard to the election of the judges.

Q.—Then that being your opinion as far as the appointment of these gentlemen is concerned, what do you think as to the mode of their payment; should they be paid by taking for themselves the fees collected as at present, or by a salary? A.—I do not very well see how it can be arranged otherwise than by fees. When a man is paid by fees he knows just what he will get, whereas if he gets a lump sum for the thing, there may be times when these duties will not be performed satisfactorily, and it would require more supervision. I think some of the officers do require more inspection than they get too.

Q.—Your office has had about as much to do with the registry office as any legal office in Toronto? A.—Yes; I think so.

Q.—From your own experience of the conduct of the registrar's office here, have you any suggestions to make to the Commission? A.—That is a detail that I am hardly competent to give an opinion upon, because for the last ten or fifteen years I have had so little to do with the actual routine or economy of the thing. As a matter of course, speaking of registrars, I think they should be responsible for their work and not be put behind a deputy. I think, as a general rule, registrars should not be allowed to engage in any other business. There may be cases in small municipalities where the fees are not sufficient to remunerate them, and I think in those cases, under proper inspection and supervision, they might be allowed to engage in some other occupation or business, but I think it should always be done with the consent of the inspector or supervisor. For instance, in a small municipality you might have a registrar who would take upon himself to carry on a saloon. I do not think the two would run together, and I only instance that as one of the possibilities. In a small municipality the fees may not be sufficient, but I am strongly against increasing the fees, which I think are quite high enough. We have had an enormous amount of work with registrars, and I do not think we have ever had much difficulty, but I have in my mind registrars who had a faculty of making out bills which were upheld by the inspector, and even before the courts, but no one wants to fight them. In the first place it makes trouble in dealing with them, and in the next place it is not worth while. That is where I think the inspection of the registry office is not quite as strong as it might be. There is one other point too; I think the price they charge is fair enough generally, but where they get over six or seven hundred words and charge fifteen cents per folio it is ridiculous, because they only pay about two or three cents for the copying, and why for the mere manual labor they should charge fifteen cents, I do not know; it makes the fees come up altogether too high in a great many instances, especially in small loans, small transactions.

Q.—Would not that be remedied if they were put on salary? A.—Not necessarily; I suppose if the law is such that he should charge fifteen cents he ought to charge that whether he is on salary or not. There would not be the same desire to make big fees. But I am opposed to putting him on salary; I do not see how it can be done. Take Muskoka, for instance. I suppose the registrar's fees there do not amount to more than eight or nine hundred dollars a year. He gets paid for all the work he does. Here in Toronto no doubt the registrar gets a very handsome thing; but, of course, he has a great deal of work and responsibility, and he ought to be paid more. I do not see how it could be regulated absolutely.

Mr. Mason: Q.—Do you think that in some of the smaller municipalities some of the offices might be combined? A.—Yes.

Q.—Say the sheriff and the registrar, for instance? A.— Hardly; I think the sheriffs are in a different position, and that they should be independent officers. They have a great deal of responsibility and it is almost a matter of necessity that they should have a deputy under their personal supervision.

Mr. Hobson: Q.—Do you think that the head of the office should have the appointment and fixing of the salary of his deputy? A.—Oh, I think so; I think the head of the office should fix it. They should be directly responsible to the head of the office.

Q.—There is a great deal being said about deputies being under-paid, that in some of the offices they do a very large share of the work and are very insufficiently paid, but you think it would be well for the head of the office to have complete control? A.—That is one of the things I referred to when I spoke of the heads of the office being on hand to do their own work, and not have the work shoved off on deputies. As a matter of fact, the deputies have no responsibility, they are merely head clerks. That is all the work that they should do, and it is only in extraordinary circumstances that they should sign documents. I do not think a registrar or sheriff should go off to England and leave his deputy to run the whole business. I do not think it is right for the sheriff or registrar to leave without the consent of somebody in authority, the inspector or somebody else.

Q.—Supposing it was thought desirable that these officers should be appointed by popular election or by the county council as the case may be, would you see any difficulty in having a proper supervision or inspection of the offices? A.—I do not see that that should make any difference, I do not see why there should not be a proper inspection anyway.

Q.—It would still be Government inspection, however, no matter how the appointment was made? A.—Yes.

Mr. Mason: Q.—Do you not think there would be some difficulty in enforcing the result of the inspection? A.—Yes; I think it would require a great deal more inspection to look after it if they were appointed by the councils.

Q.—And the inspection would have less real value.? A.—A good deal.

Q.—Even if it were done by the Government inspector? A.—Yes; as a matter of course, there are defects in every system, but on the whole I think the results in this province at all events are satisfactory. I think as a rule we have good officers, and have got good value for our money. No doubt there are cases where people have been appointed whom one would regret to have appointed, but on the whole I think the results have been satisfactory.

Mr. Hobson: Q—A number of these offices are not self-supporting, in what way would you advise that they should be supplemented, would you advise that they should be supplemented from the surplus of offices which have receipts in excess of their needs or should it be supplemented from the funds of the province? A.—I do not know that I would advise their being supplemented at all. I think in a small place if they get six or seven hundred dollars a year there are plenty of people who would do the work satisfactorily at that and supplement it by some work of there own.

Q.—Take for illustration the county of Peel, where the registrar it appears gets about thirteen hundred dollars a year net. Supposing it were right that he should have eighteen hundred dollars, you would not suggest in that case that he should be a man engaged in any other occupation? A.—Yes; but then it immediately strikes me you are going to give him something and make somebody else pay for what should be paid for in his own municipality. I do not think the fees should be increased because I think they are quite high enough on the transfer of land, so if it were necessary to supplement it, if that were made a *sine qua non* there would have to be some other way of doing it.

Mr. MASON: Q.—I suppose practically that it is the way it is now.

Mr. FLEMING: There are no registrars who get anything directly from the Government except——

The WITNESS: My idea would be if it were necessary as was suggested that they should every one have eighteen hundred dollars, and if the fees did not come up to that, they should supplement it out of their own funds. I do not think any other municipality ought to pay it.

Mr. ROBINSON: Q.—I do not suppose there are any complaints as far as the registry office here is concerned? A.—No; and you must bear in mind that for two or three years the work has been enormous. It does seem to me though that every registrar should give his own attention to the work.

Q.—You do not speak of details, but that he should give his supervision? A.—Yes; I think the registrar should be there superintending and doing all the signing, it should not be left to a deputy at six or seven hundred dollars dollars a year.

Mr. HOBSON: Q.—Is not the tendency all in the direction of more work in the registry office? I understand that the loan associations are adding all sorts of clauses to their agreements, is not that making more work. A.—I do not think so.

Q.—There is more writing, is there not? A.—Oh, as a matter of course these things are all in the short forms now. You see, it actually costs, as I understand it, about two cents a folio for the copying, and if you allow three cents more for examining and extra trouble in the matter that would be five cents extra, instead of making his charge fifteen cents for the extra amount.

Mr. ROBINSON: Q.—What do you think would be a fair salary for the registrar of this city? A.—Taking into consideration his responsibilities, I should think $5,000 a year.

Q.—That you would mean to be the net salary? A.—Yes, net.

Q.—And the sheriff? A.—I would give the sheriff $6,000.

SIR WILLIAM P. HOWLAND examined by the CHANCELLOR.

Q.—You have had a good deal of experience in municipal matters? A.—Not much in municipal matters; I never occupied any official position in connection with the municipalities.

Q.—But you have come in contact with these officers, registrars, sheriffs, county attorneys and other officers in the exercise of your duties? A.—Yes.

Mr. ROBINSON: Q.—Were you not at one time warden of the county? A.—No.

The CHAIRMAN: Q.—You never occupied any position lower than that of Lieutenant-Governor? A.—I commenced my public career as a member of parliament.

Q.—You were here when the institutions were started and knew what it was before they existed, I suppose? A.—Yes.

Q.—What do you say as to the manner of appointing these different officers, registrars, sheriffs, and so on; should they be appointed by the municipal council, elected by the people, or appointed by the Government? A.—I am decidedly of opinion that their appointment by the Government is the best and most in the public interest; I have no doubt about that. I think the important principle is, that you should have the appointment rest where you can fix the responsibility and make it in some degree effective. If the appointment rested on the vote of he people the responsibility is so divided that it is not effective in any way, and the same applies in a great degree to appointment by the municipal council. The Government can be held responsible for the performance of the officers duty, and that I think has the effect of causing them to exercise their judgment to the best advantage, as they can be held responsible for the proper performance of the duties by those parties to a certain extent.

Q.—That is the supervision is more effective? A.—Yes; and they are responsible for the effects of their administration. They are made to feel that, but a number of electors do not feel it, which I think is a very important point in favor of their appointment by the Government. Then if any other mode was suggested, whether by the council or by the vote of the people, I think the tenure of office would have to be changed. I think frequent changes would be objectionable, because most of these offices require to be filled by people who understand the duties. I think it would be very much against the public interests to have a change every year, or even less frequently. I think there is every reason for having the appointment in the hands of the Government.

Q.—You speak then of these officers here, sheriffs, registrars and all other officers connected with the administration of justice? A.—I think the same principal applies to them all.

Q.—Is there any sense in which these officers can be said to be municipal officers who should be under the control of the county council? A.—I do not know; so far as my experience and knowledge goes I do not think that either the appointment or control of the municipal officers by the council has proved successful. I do not think the officers who hold these positions perform their duties as efficiently as those who are appointed by the Government.

Q.—Do you think any of these are properly classed as municipal officers? Is the sheriff a municipal officer—an officer for the locality and not for the general public? A.—I would consider that the general public outside of the municipality have an interest in the duties which he performs. I think that principle applies to the whole list of officers which you have submitted; I do not see any reason to make any exception.

Q.—Then as to the manner in which they should be paid. They collect fees most of them, and I suppose that system should continue, the collecting of fees from the people requiring their services. How should the officer be compensated, by salary or by receiving all the fees, or a proportion or fixed sum out of the

fees? A.—In the first place as to the fees, of course, the principle is correct, the payment is made by those who derive the benefit of the services, that is the first point: it falls upon those for whom the services are rendered. Then in regard to the officers being paid in that way, I do not see any objection to it as it involves the principle that they are paid in proportion to the work they perform. I think it would be rather a difficult matter to go to work and adjust the salaries to the different conditions that apply to these different offices in various parts of the province and have it fairly graduated, but the present system adjusts itself to the labor and responsibility; I do not see that we can have any better principle. We find in private business that that principle operates very beneficially as a rule. Then as to the amount, while the number of inhabitants and the amount of business that is concentrated in one locality may cause the fees there to be large, I still doubt very much myself whether the principle does not still hold good, that is, that there is increased responsibility and labor and expense in the performance of these duties in proportion to the amount received, and I think myself if it were found to be too much, that is, more than is necessary to yield a fair remuneration for the performance of the duties, it would be better to reduce the fees and give those who pay for their performance the benefit of it in that way. In most cases these fees are paid by people who are borrowing money. Well, they are not supposed to be the richest. In legal proceedings it is the one who is unfortunate who loses his case and has to pay, and if there is more than sufficient to pay the expenses for the duties that are performed I think it would be better to reduce the fees and let those people have the benefit of it who pay.

Q.—It is difficult to reduce the fees in the larger places and leave them at the same rate in the smaller? A.—Yes, that is a difficulty; you have to make them uniform, and if you reduce them, of course, some of those who have the minor offices to fill would not get enough. But there will be no objection if they were thought to be excessive to fixing a limit beyond which the amount received should not go.

Q.—And the remainder to be paid over to the municipal or the public funds? A.—Well, I think there again if it is practicable to reduce the fees it would be more fair and just to the parties.

Q.—It would be a proper plan if they could be just self-supporting and no more? A.—Yes.

Mr. Hobson: Q.—Would not there be a practical difficulty in changing the rate of the fees, owing to the fluctuation of the business of the offices? Some years there would be a very large income, and at other times it would not be so large? A.—I think that adjusts itself. When the income is small, a man in business has to reduce his expenses; and if the income was larger, he would increase his expenses and also his responsibility.

The Chairman: Q.—Are you aware of the system in some of the United States, where the salaries of the officers are graded according to the population of the county? A.—I do not know; I have not looked into that question.

Q.—In California they have forty-eight grades, depending on the population of the counties; the salaries are scaled on that according to the population? A.—I have not looked into that.

Q.—Do you think that would be a fair principle to go on, if they were fixing salaries; would it be fair to fix them on the amount of population, or to take that as one element? A.—I should think a better basis would be to take the amount of business done for a certain number of years.

Q.—It has been found here, practically in some cases, where they have commuted on the basis of five years' former collections, that after a fixed salary has been substituted the fees have shrunk and did not come up to the amount; would you, in such a case as that, let it go on in that way, or would you readjust the commutation, or what? A.—I would be in favor of the remuneration being altogether dependent on what they collected.

Q.—You think the service would be better in that way? A.—I think so; a man would have double inducement to see that people paid for the services which they received. It would be in the interests of the public that they should do so; and it would be to his own interest to perform his duties as well as he could, because possibly it might have some effect on the amount of business that would come to his hands.

Q.—Supposing, then, that the system of salary or payment of a fixed amount out of the fees should come in, have you formed any opinion as to what would be a fair salary for any of these different officers? A.—I have not looked into that question.

Q.—That would depend very much, I suppose, on the expense in the different localities? A.—Very much upon that.

Q.—As well as on the amount of business and the amount of fees collected? A.—And also whether it is absolutely necessary that a man's whole time should be spent in the office.

Q.—Do you think a man's whole time should be given to these offices or not? A.—As far as my judgment goes, I should think that the public ought to know, at certain hours, at all events, there would be a person present.

Q.—They are all regulated in that way, and have to keep office hours by statute?

Q.—Apart from that, would you have any of these officers attending to other matters besides being in the office the full length of time; do you see any objection to it? A.—In carrying out the principle of confining it strictly to fees very possibly, in some cases it would not afford remuneration that a man could live on properly; he must have some other means of obtaining a living. In such case they might be allowed to attend to other prescribed duties.

Q.—The appointment of deputies in the offices or registrars has been the subject of a good deal of discussion. It has been said that they are insufficiently paid. Have you any suggestion to make as to that?

Q.—Do you think the government should control the appointment of the deputies? A.—No; I would want to hold the head of the office responsible; I would not want to have it divided in that way; I think it would be a bad principle. The head of the office should be allowed to select his own employees, and be held responsible for the correct performance of their duties. I do not know that any different principle from what obtains in private business should apply to that. Of course, there is some difference, perhaps, that a man becomes accustomed to a certain routine of work, that he acquires and has a knowledge of, and nothing else; he is more dependent upon that than he would be in ordinary cases.

The CHAIRMAN: Q.—Should the Government have a voice in fixing the salary; should the salary be fixed with the sanction of the inspector, or something of that kind; would you approve of that? A.—I do not think so, from my experience with the post office department.

Q.—What would you regard as reasonable compensation for the sheriff and registrar in a city? A.—If their expenses were provided for, I think five thousand dollars would not be an unreasonable amount for either.

Q.—Would you put the sheriff on the same par with the registrar, as to responsibility and compensation? A.—Yes; I should think he would be entitled to fully as much; he must have a pretty serious responsibility. I should not think the registrar had quite the same responsibility as the sheriff. Perhaps four thousand dollars might be a fair remuneration if the expenses of his office were provided for; that is, four thousand dollars for the registrar and five thousand dollars for the sheriff.

Mr. HOBSON: Q.—What would you consider a fair remuneration for the officers in the country districts, the sheriff and the registrar, assuming that their duties occupy their whole time? A.—I think a man occupied in performing those duties should not get less than fifteen hundred dollars a year.

Q.—For the sheriff and registrar? A.—I think the sheriff should not get less than three thousand dollars a year anywhere.

Q.—No matter what county he is in? A.—No.

Mr. HOBSON: Q.—Do you think it would be well, where the returns are very small, to join two or more of the offices? A.—I should think it might be practical. Care would have to be exercised in doing it, each question would have to be considered carefully; but I should think in many cases the offices of sheriff and registrar might be combined without injury to the public service.

Mr. ROBINSON: Q.—Are you in favor of any system of promotion of a deputy to the office of his superior? A.—The principle is a good one, and generally approved of in regard to public offices; but I am sorry to say it is not acted upon.

The CHAIRMAN: Q.—Many men who would be good deputy sheriffs would not be good sheriffs? A.—No; there is no doubt that looking forward to promotion is a great incentive to a proper performance of duty; and that has come to be more and more realized in private institutions. In fact, the principle is carried out to such an extent in banks and other institutions, that it has become almost impossible for a person to get any of the higher positions who has not grown up in the service.

Q.—That is where there is a large staff in the office; but where there are only one or two the same principle would not apply? A.—No.

Mr. MASON: Q.—Of course, every one who enters a bank does not become a manager, though some do; discretion and judgment are exercised there just the same as in any other business? A.—Yes; but it is considered very unjust to bring in parties from the outside to occupy positions which others in the institution could fill.

ERASTUS JACKSON, examined by the CHAIRMAN:

Q.—What municipal offices have you held? A.—For about twenty or twenty-one years I was reeve or councillor for my locality; and I have also been warden. I have occupied the whole of the offices from councillor to warden.

Q.—In dealing with the officers we have to consider here, the chief of them being registrars and sheriffs, and speaking of each separately, what have you to say as to the manner of their appointment; as to how it should be carried out? A.—I have no objection to the appointment by the Government, as far as that is concerned, but it seems to me that if there is any one of them at all who ought to be a municipal officer it is the registrar of deeds. There are a number of these officers with whose duties I am not at all familiar, and I cannot speak of them to any extent.

Q.—Do you see any advantage to be gained by the registrar being made merely a municipal officer as compared with the present system? A.—I do not see any particular advantage. The duties of the office are largely clerical, and I do not see why they could not be carried out under the direction or instructions of the county council, or why the county council could not appoint that officer just as well as the county treasurer, who has work of the same class to do; he handles more money. The registry office has to be provided by the county, the people have to pay taxes for the building in which the office is established, and have to furnish indices, fuel and everything else. I do not know why it should not be, properly speaking, a county office. But that is the only one of the lot.

Q.—The system being as it is you do not see any reason for change? A.—No.

Q.—You would not change for the sake of change? A.—No. It seems to me that that is an office within the scope of the county, but in view of the fact that county councils are changing continually, I do not know that there would be any particular gain by appointment by the county council. Of course, some years ago, when I was in the county council, I did carry a resolution through to the effect that the office should be a county office pure and simple. I favored it at that time. Of course my object then was not so much to have a county office as to have the fees, which I thought were excessive for an individual to take, go to the county, to the people. The people are taxed for its maintenance, and the registrar was at that time getting all the fees.

Mr. ROBINSON: Q.—Was your object to have the registrar elected once in five years? A.—No; it was just the principle. I think it must be eighteen years since our treasurer was first appointed; the council is not apt to change where an officer proves himself efficient.

Q.—Does his appointment come up every year? A.—No.

The CHAIRMAN: Q.—Your motion was with a view to an adjustment of the fees? A.—Yes.

Q.—But the adjustment of the fees having been made you see no reason for the change in the appointment? A.—I would not be so particular about that except this thing: I think if the Government is to retain the appointment, I would like to have the Independence Act of the Legislature so changed that they would not be able to appoint a member of the House. I think that principle is a good one if we are to preserve their independence, and prevent them from being the toady of any Government. It is better to provide that they cannot step out of the House into an office that may be created or opened in their constituency.

There is another point I object to with regard to Government appointment, which led to some discussion at one time in the county council. I think it objectionable for the Government to take a man from the county of Huron and appoint him to an office in the county of York, a fat office. I think it would be objectionable to take a man from Kent and appoint him to an office in Hamilton. I object to that sort of thing. I think there are plenty of men in every county who could perform the duties of these offices, and for the mere sake of political preference I do not like that sort of thing. I think when there are offices to be filled in a county the men should be drawn from that county, all other things being equal.

Q.—Would you make any comment as to the manner of appointment of any of the other officers? A.—No; I take no exception to that. The local masters I do not know anything about; I could not speak as to them particularly. With regard to the sheriff, I quite agree with a great deal that Sir William Howland has said. Where the compensation of the subordinates is paid out of the fees, and not by the chief himself, I think the salary named by Sir William, $4,000, would be rather excessive. It is true they have responsibility, but I do not think they do half as much as the accountant of a bank, as far as actual work is concerned, and I question the wisdom of a course that has the effect of creating a kind of aristocracy as this kind of thing does. I do not believe any one of these men, outside of a Government office, could earn more than $3,000 a year.

Mr. Robinson: Q.—Would you relieve him from the responsibility he now has in the conduct of his office for any defalcation or anything of that sort? A.—Well, I do not think I would free him from responsibility for the acts of his bailiffs, because he has a right to put responsible men in those positions, and if he does not do that it is his own fault. Sometimes defalcations have arisen from the fact that they have put in persons who, from one motive or another, they wish to help but who are not responsible men.

The Chairman: Q.—A great many errors occur in regard to seizures, breaking open doors, and that sort of thing, in regard to which they get into law suits? A.—I think in cases of that kind it ought to be fairly adjusted by referring it to the master in Chancery or the inspector of offices, and if, on an investigation, it is found that the men should not be held responsible it should be taken from the surplus fees.

Q.—You would have a sort of indemnity fund for cases of that kind not chargeable to negligence? A.—Yes.

Q.—And that would be a sufficient reason for giving the sheriff less salary? A.—Yes.

Q.—Then as to the way in which these officers should be paid? A.—I am in favor of the present fee system. I think the people who have the work done should pay for it decidedly, and the reason for that is a very patent one. There are thousands of men living in every county who are tenants, who do not have anything to do with these offices at all, and under our present system of taxation have to contribute to the taxes. Now, if the officers were paid by salary these people would be taxed for the conduct of other peoples business. I think in that respect the fee system is preferable.

Q.—As to how the officer should be paid out of the fees, should he receive the whole of them, or a fixed proportion of them only? A.—I think the principle that has been adopted latterly by Hon. Mr. Ross' bill would be a good one.

Q.—Have you any criticism to offer of the amounts fixed by the recent legislation you refer to? A.—I would not like to speak of that positively; I have not had an opportunity yet of examining the bill, and I only know of it as I have read in the newspapers.

Q.—What would you say should be the fixed amount received by the registrar out of the fees? A.—In the country, I should think a man who got $1,500 a year was doing pretty well.

Q.—You would name $1,500 as the fixed sum, would any of that depend on the fees? A.—Yes, I would like to do that, because I think it is an incentive to these men and to the sheriffs to do their whole duty, if they got a little piece out of everything Otherwise when they got as far as was necessaay to pay the amount of their salary they might become a little neglectful.

Mr. HOBSON: Q.—Besides that "as the work increases" the responsibilities increase in proportion? A.—Yes.

Q.—And for that reason he should get a portion of the surplus, should he not? A.—Yes.

The CHAIRMAN: Q.—As to the sheriffs, do you approve of the same system of giving a certain amount from the fees and funding the rest? A.—Yes; I think the same rule applies to both.

Q.—Do you make any observations as to the salaries of the sheriffs in the country as compared with the city? A.—Yes, I should think there should be some difference.

Q.—Do you speak of the salaries of any of the other officers, the county attorneys and clerks of the peace? A.—From my little experience in the matter I think the county attorney gives more actual service for the money he gets than any of the others do. He must deal with all the cases that are brought before him, and he may have to work late and early, and has to appear in the courts and attend to the business in hand himself. The others can sit in the office and look on while someone else does the work.

Q.—Do you think that officer should be paid by a fixed salary, or be paid by fees? It has been suggested that in his case there is a temptation to which the others are not liable, to increase his work in order to increase his fees, by sending up cases for trial that ought not to be sent up. It has been suggested that it would be better to place him on a fixed salary? A.—I have not considered that particularly, but there is one thing about it, that so long as cases have to go before the grand jury they ought to be able to judge pretty nearly whether it is a case that should come up or not.

Q.—Yes, no doubt, but expense is incurred in bringing the case that far? A.—Well, I do not know what may be the practice in rural parts where business is not so flourishing as here, but I think our officer has all he can do without that. I think the clerk of the peace gets full pay for all he does. With regard to the Division Court clerks and bailiffs, I am not in favor of this centralization of power in the hands of the Government in regard to those little petty offices. Yet I would not like to go back to the old plan of appointment by the county judges. In the first place, you see, the judges are appointed by the Dominion Government, which has been for a great many years conservative. The appointment of these officers is by the local Government, for many years a reform Government, and I have no doubt the judges have a little trouble in the manner

of these officers, and sometimes a little conflict may come up. If the Government would disfranchise these men I think probably that trouble might be removed, so that they cannot mix up in local political squabbles, in which they appear to exercise some influence. If that were done the matter might be all right as it is. Failing that it seems to me that some of these men make themselves exceedingly officious. In travelling through Ontario I have come in contact with that sort of thing and have heard complaints made on both sides regarding it.

Mr. ROBINSON: Q.—The position of these men give them an influence? A.—Yes; they appear to exercise an influence. I do not think I could say that with regard to the locality in which I live, for I have never heard any complaint there, but I am speaking of the general principle.

The CHAIRMAN; Q.—It is said that these Division Court bailiffs ought not to be paid by fees, but by salary because they create a great deal of trouble in the country, by going around the country serving papers and compelling people to put in defences, and thus making fees. Has your observation justified any remarks either for or against that course of dealings with the bailiffs? Do they foster litigation in that way for the purpose of providing themselves with fees or not? A.—Well, I think if whoever has the power would make less Division Courts there would not be the temptation to do that sort of thing. I think the judge in the Quarter Sessions has that power. I think there ought to be some change in that direction. For instance, in the county of York we have ten or twelve Division Courts.

Q.—These men do other work, they do not live altogether out of the fees? A.—They do a little other work, not a great deal, they soon get to feel they are somebody.

Q.—We are told that the business of the Division Courts has fallen off very much of late; your remedy would be to enlarge the territory? A.—I think that would lessen the trouble to some extent.

Mr. ROBINSON: Q.—Would not that inconvenience the people? A.—I do not think so. You see, if a man has to hitch up and drive to court, a matter of two or three miles makes very little difference to him, and they have to drive to court anyway, outside of the people who live in the town or village where the court is held. Of course making the divisions a little wider would increase the fees for mileage and so on a little, and make the poor man's court perhaps a little more expensive, but I think it would to some extent relieve the difficulty of which you have spoken.

Q.—When there is a surplus of fees after providing for the salary of the registrar, do you favor the sliding scale with reference to the surplus, that is to say, that on the first $1,000 there should be such a percentage, a smaller percentage, and increasing as it goes up, or diminishing? A.—I think that is all very well, because there are many counties where they barely reach the amount, and there are other large counties where they have very large fees, that is the time to strike, at the upper end.

Q.—Then as to the question of appointing deputies to which a good deal of attention has been directed; what opinion have you formed about that? A.—I quite agree with what Sir William Howland has said; I think the man who has the office should have the employees under his own control.

Q.—Both as to appointment and pay? A.—Yes.

Q.—Leaving him to pay them what he can get them for? A.—There might be a minium fixed by statute and a maximum, and between them the inspector of offices might act as an adviser as to how much a man should be paid, because the work in the various offices is so very different,

Q.—What do you think should be the minimum of a deputy in the registry office in an average county? A.—I think about $500 should be the minimum; there are plenty of good book-keepers in country towns who do not get that.

Q.—You do not refer to men with a family? A.—Yes, with a family. There are plenty of working men who have to do with their dollar and a half a day, and work from morning to night, and who wear out much more clothing than these men do. A great many of these men like to get into these offices because it is light work, and they are probably not fit constitutionally for heavy work, and yet they are earning a very good living.

Q.—What would you say as to the maximum, $800? A.—I suppose that would be well enough; I do not know whether that would be quite enough for a deputy in a city like Toronto. $500 to $800 would be quite enough in the country.

Q.—Do you find a tendency on the part of the county councils to cut down fees beyond what is reasonable; to be a little penurious? A.—I could not say that from my own experience. I think they believe a man ought to be paid for his work.

Mr. ROBINSON: Q.—What do you pay your treasurer? A.—I am not sure whether it is $1,400 or $1,600. He has a perquisite in the sale of lands for taxes and that sort of thing; there are some perquisites, drawing jurors, etc.

The CHAIRMAN: Q.—Is there anything else you would like to speak of, as to which you have not been asked? A.—With regard to the registrars of the Surrogate Courts.

Q.—That is grouped with the clerk of the County Court generally? A.—They are not here. Both of these offices in this county are very remunerative, and they have only to keep one person. It seems to me they should be in the same class as the registrars.

Q.—They do account for the fees now when they reach a certain figure, don't they? A.—Yes.

Q.—Is there any change you would suggest? A.—No; I think the graduated scale that has been adopted will probably cover that point.

J. W. LANGMUIR, examined by the CHAIRMAN:

Q.—What experience have you had with regard to these different officers; just state your position and the way in which you came in contact with them? A.—I have only come in contact with the registrars in connection with my position as Manager of the Toronto General Trusts Company, in regard to their fees.

Q.—And the Surrogate Courts? A.—Yes, the Surrogate Courts as well, and the other officers more or less, but that has been done principally through the solicitors of the company.

Q.—You at one time held the inspectorship of prisons, did you not? A.—I was inspector of public institutions for Ontario for fifteen years. I was then in intimate relations with the sheriffs and their officers.

Q.—In the way of business you have come in contract with those largely, all over the country? A.—Yes.

Q.—The first division of the subject here is with reference to the appointment of these officers now appointed by the Government. Do you think a change is desirable or not? A.—In regard to that, I entirely approve of all the officers named in the list being appointed by the Provincial Government. I am strongly of the opinion that the efficient performance of their duties, as well as proper uniformity in the various systems can be best accomplished by governmental appointment provided always that the most careful and continued inspection is held over all the officers.

Q.—What advantage do you think is derivable from the uniformity of systems you have mentioned? A.—If the officers are not thoroughly inspected—I know it was the case in prisons and charities—the officers are apt to adopt their own forms, which they think simpler. That makes a difficulty in getting statistical information in a systematic way, whereas, if the inspector lays down certain rules and the officers come directly under the control of the Government you can enforce those rules and regulations.

Q.—You think, then, that uniformity tends to efficiency and also economy? A.—Decidedly so.

Q.—With reference to the likelihood of a better choice being made by a small body like the executive or by a larger body like a county council; what do you say as to that? A.—Appointment under an elective system might result in a more popular person in the various offices, but I cannot for a moment believe it would conduce to efficient management; on the contrary I am convinced that it would have a directly opposite effect. If the officers named in your list are appointed, as they are, for life or during good behaviour, and their ability to perform the duties which devolve upon them, I think the province in that way obtains the very best guarantee for efficient management.

Q.—If a change was to be made what do you say as to the relative advantage or disadvantages of having the people vote on them as a county matter, a county election, or of having the different councils make the selection themselves? A.—Appointments by the county council would, of course, be preferable to the general vote, but I am sure appointment by a council would not be preferable to governmental appointment. I am convinced that county council appointments should be confined to the officials who form a part of the municipal system of the country as distinguished from administration of justice and general purposes.

Q.—You think these are provincial officials? A.—Yes, the officers you are considering are almost wholly so, some of them have entirely to do with the administration of justice.

Q.—Would you call any of these local officials in the sense in which that term is used with reference to municipal matters? A.—I should not, sir.

Q.—They seem to be all parts of the system of the country at large? A.—Yes, entirely separate and distinct from the municipal system of the country.

Q.—What do you say as to the responsibility to the public which would attach in the case of councils appointing and in the case of the Government of the country appointing? A.—I think under the system of governmental appointment you have full control of the officer and his duties, but in the case of appointment under the elective system or appointment by county councils the responsibility would be very much lessened, and it would not directly rest upon the Government to carefully supervise; in other words it would be everybody's or nobody's work, in a sense. It might be that way. There are always exceptions to every rule of that kind, but I should think it would weaken the authority of the supervising power if the appointments were vested in the general public or even in county councils.

Q.—Things being as they are, do you see any reason for a change, or rather do you see any reasons against a change? A.—I would be decidedly opposed to a change.

Q.—Then as to the other branch, as to whether the remuneration of these officers should be by a fixed salary or by an indeterminate amount of fees which are received, what do you say? A.—For official work, such as is under consideration, that is wholly performed for the benefit of persons availing themselves of such services, the fee system in my opinion is the only just and equitable system that can be devised and carried out.

Q.—You think the persons receiving the services should pay for them? A.—Yes.

Q.—Do you think the officers collecting the fees should receive them to an indeterminate amount, or should the salary be determined from the fees? A.—The adoption of the fee system should not preclude the payment of the officials by salary, it should not entirely preclude fixed salaries. On the contrary, there are many excellent reasons why the fees should be funded, and salaries paid according to the volume of work done and the responsibilities connected with its performance.

Q.—Have you any principle in your mind as to when a fixed salary should supercede the indeterminate amount of fees received? A.—I have not, Mr. Chairman. I merely advance the idea theoretically that every public servant should be paid by a fixed salary.

Q.—Theoretically? A.—Yes; the practical working out of it I freely admit may be attended with very great trouble, but at the same time I do not think the difficulties are insurmountable.

Q.—That is based on the idea that a public official is entitled to a reasonable living salary proportionate to his position in the community and the amount of work which falls to him? A.—Yes.

Q.—And that work should receive his entire time and attention? A.—Yes, he should give his entire time to it, that should be his sole business.

Q.—And he should be paid a corresponding amount by salary or fees? A.—Yes.

Q.—In the case of an officer whose fees do not amount to a fair living salary, would you supplement them in some way, or let the fees grow with the office? A.—I think upon a careful consideration of all the circumstances connected with the office, if it is found that the salary is entirely insufficient it ought to be

supplemented from some source. My belief is that the payment by fees operates more frequently against the official in respect of salary than the other way; I think that a greater number of officials under the fee system are insufficiently paid as compared with the few who are overpaid. In newly-settled parts of the country it is entirely different; there you must keep up the work until you have a population, and supplement the fees that you obtain until they become sufficient.

Q.—Would you think it a better plan in those newer settled or more thinly settled parts to consolidate the offices somewhat germane or akin, instead of having different officers, and supplementing the salaries? A.—I think it would be better to join them.

Q.—For instance, the sheriff and registrar might go together? A.—Yes; until the volume of the work demanded a separation.

Q.—Have you in your mind any idea as to what would be a sufficient length of time in which to guage the amount derived from the fees, and commute it to salary? A.—I think a period of five years should be sufficient to determine what the rate of the fixed salary should be.

Q.—Then would you favor that system, that after five years if you find that the fees from a given office are larger relatively than the officer should receive, there should then be a fixing of the salary or a commutation of the fees at that time? A.—I would.

Q.—Would you make that commutation a settled thing for the future, or a fluctuating thing, depending on the fees entirely? A.—I have not given the matter sufficient thought to decide that.

Q.—I ask you that because in many instances where there has been a commutation, based on five years' average, there has for some reason been a falling off afterwards. There may be good reasons, or reasons that are not good, but there has been from whatever cause a falling off in the fees received, which do not amount to the sum commuted at; how would you deal with that? A.—Well, if there was no falling off in responsibility and the volume of work, I think there should be no change, even although the fees diminished. It might possibly be reconsidered.

Q.—But would not that argue a diminution in the body of work? A.—Yes; it would argue a diminution in the volume of work, unless the fees were changed by legislation, or something of that kind.

Q.—If there was a diminution in the volume of the work, should the commutation be removed and the fees resumed? A.—I think not. It would depend altogether upon what the fixed salary would be placed at. If the salary was based upon the volume of work for the past five years, I think the amount having once been fixed and accepted, and that commutation entered upon, that it should continue during the lifetime of the officer.

Q.—What do you think of the plan pursued in some of the United States, where the fees are paid over from month to month. There is a fixed salary given to the officer, which is supposed to be a fair living salary, and he gets a monthly proportion of that salary out of the fees for the month. If the fees are in excess of that proportion the excess is retained in that account, and if they are less he only gets the amount of the fees. Then, in the succeeding month, if there is an excess owing to an increase in the fees he is paid out of the surplus. In other

words, supposing the fees collected were $2,000, and he was getting $2,000, he would just get that amount; but if they were only $1,800, he would only get that proportion, but if the fees next month ran to $2,500 he would receive, out of that surplus, the deficit which occurred in his salary the preceding month, which would have the effect of making the officer alert in collecting the fees, and at the same time he would not get more than a fixed salary? A.—Practically, Mr. Chairman, that is commutation. You are determining what proportion of fees he should get, and if it is diminished one month you make it up out of the next. That, in my opinion, is preferable to the total retention of the fees, but I do not think it is as good as a fixed salary.

Q.—You think a commutation based on a five years' average, would be, perhaps, the most feasible and fair? A.—I think it is the most fair. I grant you that there are difficulties, but I do not think they are insurmountable. It would do away with the feeling in the country that fee-paid officials are overpaid, which is a very great mistake. I think if a commutation based upon five years' average of receipts would be a fair one, then it should be continued during the life of the officer.

Mr. Mason: Q.—With regard to the commutation being fixed for life, and of the possible hardship of a revision and reduction of the amount, do you think there would be also a possible hardship in the case of offices where the fees materially increased? A.—I do not think it would. I think the commutation ought to be determined upon a fairly liberal basis, assuming always that the work of the official will increase. It is a fair assumption that as the population of the country increases the volume of business transacted increases also, and that the duties of that particular officer will increase, but having accepted what is a fair salary, based upon the preceding five years, I do not think it unfair that he should continue to receive that during his official life.

The Chairman: Q.—It is said in these cases where the fees have fallen short after commutation, that the shrinkage in the fees has been occasioned really by amendments to the law, by which there is more expeditious procedure in obtaining judgment and in getting relief than existed when the commutation was made. The officer, I suppose, in your opinion, should not suffer from the amendment of the law? A.—No; any legislative enactment, or changes in legal practice, that may be adopted and which may affect the fees certainly should not be allowed to operate against the official.

Q.—The public benefits by the amendment of the law? A.—Yes; clearly.

Q.—There is a clear benefit, but the officers of the law are there to discharge their duties, and must have reasonable compensation for discharging them? A.—Yes.

Q.—What do you think would be a fair salary to allow the sheriffs and registrars and the more important officers? A.—I think no sheriff or registrar, having regard to the responsibilities of their office, should receive less than $1,500 per year up to a maximum of $5,000.

Q.—Do you include the cities in that? A.—I include the cities in that.

Mr. Robinson: Q.—Would you debar them from engaging in any other pursuits? A.—Yes.

Q.—Even if only paid $1,500? A.—No matter. I think a man who accepts a public position should retire from all other work. I feel convinced from my experience in public offices for fifteen years that it should be so.

The CHAIRMAN: Q.—At that time the remuneration was smaller, was it? A.—I think perhaps it was in many instances.

Q.—You have already spoken incidentally of inspection, that is something which you regard as essential to an efficient system? A.—Most essential.

Q.—We have had a good deal of discussion about officers who require assistants in the work, who cannot compass it all themselves, such as sheriffs and registrars. What do you say as to the manner of selecting assistants and paying them. A.—I think that the officer on whom the responsibility rests should select his own officers, and while it may be right for some executive head to determine what the salary of the deputy and other workers should be, it would be very difficult of application. By assuming to fix the salary the authority of chief officer might be weakened.

Q.—It seems to be the system in many of the states that I have looked at that the deputies of registrars are appointed with the privity or sanction of some of the Government officers who see to the fixing of the salary as well as to the particular person chosen. I suppose that is to prevent favoritism been exercised by the chief officer, and so that he may not squeeze the life out of his deputy? A.—Possibly so, but I should say if it were closely looked into it might perhaps be found that the chief reason was that an inefficient person was appointed; as chief officer; some person who had politically or otherwise gained that position, and perhaps was not able to cope with the work, and the deputy was appointed by the supervising authority of which you speak in order to insure the duties being properly performed. That is the difficulty of the system, of course, and ought as much as possible to be avoided.

Q.—You say in effect that if an efficient person is appointed as the chief officer he is a fit man to choose his subordinates? A.—Yes.

Q.—The responsibility should be put on him? A.—Yes.

Q.—He should have full control, and relieve the Government of any further trouble about that office when once appointed? A.—That is the view I hold.

Mr. ROBINSON: Q.—There has been some little complaint to the effect that while the registrar gets a very large salary or income the deputy gets a very small one. Have you ever in the discharge of your duties come across such instances, where an injustice is done by the smallness of the amount paid to the deputy? A.—I have come across such instances, Mr. Commissioner, and I think that is perhaps more marked in the registry offices than in other business, because of the mechanical character in the work. If there is a surfeit of writers, the registrars avail themselves of the cheap labor in order to get their work done cheaply. That is the mere copying. Of course it is different with the deputy. I think the official chosen as registrar ought to do as little deputizing as possible, he ought to be a man who is thoroughly up in work and able to perform it, and only liable to be affected by health, and then it would not be so important to have a highly paid deputy.

Q.—We were told yesterday that in some offices there were as many as twenty or more clerks. In that case of course the head could not attend to it? A.—I grant there is a necessity for a deputy, but whether you should supervise that deputy's salary if there is an efficient head is another question altogether. Five years ago there was great difficulty in getting clerks of good ability to work for less than $1,000 a year, while at the present time I can get just as good men at $600 a year. That would apply in official life as well. You cannot

very well prevent a man availing himself of things so long as the services are well performed. I merely wish to say that it is a ticklish thing to interfere with the subordinate of the officer.

Q.—Do you think it would be a fair thing to interfere with them merely as far as their remuneration is concerned. Is it within your recollection that you have ever remonstrated with a sheriff, and said to him, "You ought to give this man a fair thing"? A.—I was continually appealing to the county councils to increase the salaries of gaolers and turnkeys, and in the case of public institutions the Government also. It is a little different in the case of clerks in the registry office. Their work is well defined, and it goes on from day to day, occasionally there may be slack times in a registry office, and a man would rather take $6 per week to work steadily than to be turned off and go on again intermittently at a higher rate. There are more unjust things going on in the large retail stores here than in the registry offices, where poor girls get only $2 a week, who ought to be getting five or six. I do not wish it to be understood that I am opposed to inquiry on the part of the inspector to see whether those persons are properly paid, but it is rather a ticklish thing to interfere with the work that should devolve upon a capable head.

The CHAIRMAN: Q.—Of course it is appealing from the head to some authority who is outside, which might produce irritation? A.—Yes.

Q.—Do you know anything of the elective system in the States? A.—Not much.

Q.—Is there any other matter to which your attention has not been called regarding which you would like to speak? A.—No sir.

THOMAS J. WOODCOCK, by request of the Commissioners, appeared before the Board, and, being interrogated, stated as follows:—

I am deputy reeve of Newmarket, in the county of York, I have lived in the counties of York and Ontario for over thirty-four years. In regard to the appointment of these officers, it is a little difficult for a person who has been taking part in the municipal matters as I have, and making resolutions in reference to it, to give an unbiased opinion, but I cannot say that I am opposed to their appointment by the Government.

Q.—Have you any reasons for or against one system as compared with the other? A.—No, I have not. I think the Government is in a better position to judge of the persons who are fitted to fill these positions pertaining to the administration of justice than ordinary municipal council men would be. But I look upon the work of the registrar of deeds as being simply clerical, such as could be done by any ordinarily intelligent person, without any special legal training, and he is paid wholly by persons dealing in the local municipalities, and while I see no objection to the appointment of the registrar by the Government there seems to be an opinion prevalent among people through the country that they ought to have the appointment of officials who are practically paid directly by the people. I think it is a matter of sentiment more than anything else.

Q.—Do you think there should be a change made just for the sake of the change only? A.—No, I would not like to say that. So far as my personal knowledge goes the appointment is just as well in the hands of the Government.

Q.—As to the rest, you would leave them as they are? A.—Yes.

Q.—That brings us to the second question of how they should be paid? A.—I have always been in favor of paying these officials by salary. I think the fee system of payment for the services rendered ought to be maintained, but the officers should receive salaries. In cases, as in new sections of the country, where the fees are not sufficient to pay a salary; I think it ought to be supplemented by the Government. One reason for that is that the officials do not take the same view, or do not construe the law alike. Prior to the recent Registry Act, which has now made it so plain that a man cannot err, a search in the registry indices was 25 cents for just four references and 5 cents for each additional reference. Some registrars construed that to mean that every name in the book was a reference. Others did not contrue it in that way, and only charged 25 cents for the production. For instance, some would charge $2.00 for a search which to my personal knowledge in Orangeville and Toronto would only cost 25 cents. The new Act has provided that 25 cents shall be the charge, and it does away with that ground of misunderstanding. Then with reference to the clerk of the peace. I have been auditor of the Criminal Justice accounts, and different clerks of the peace, differently construe the meaning of certain phrases. For instance, under the Voters' List Act sections 6 and 7, it is provided that each municipal clerk after his list is printed shall send two to the sheriff, two to the clerk of the peace, so many to the different members of parliament, and so on. Then after it is revised by the judge he retains one and sends one to the clerk of the local municipality and one to the clerk of the peace. Now, some clerks of the peace construe that to mean that each polling subdivision means a separate list, and others construe it to mean that there is only one voters' list for the whole municipality. It has been decided in this county by Judge Morgan, concurred in by Judge McDougall, that there is only one voters' list for the municipality, and the difference found by those two judges as being the amount that the clerk of the peace of the county of York overcharged is $287.52, or, in other words, for fyling twenty-three voters' list, by considering it to mean for each polling subdivision cost $287 when it should only have cost eight or nine dollars. Those fees are paid by the county, and are passed by the county board of auditors. The difficulty in regard to that lies here. The act provides that municipal councils shall appoint a board of audit each year, only one of whom shall be a member of the council, and the other the judge of the County Court. They are only allowed $4 per day by the statute, and the judges of the County Court do not feel disposed to give their time. Men who are not accustomed to these things don't know just exactly what the fees should be, because there are no vouchers for them, and they have to be ascertained by what the statute says, and it seems to me that either the local master of the High Court, or possibly in Toronto one of the taxing officers, or some such official, should be one of the board of audit, a man who is accustomed to that kind of thing. We, in this county, have ever since 1879 or 1880, been paying between $600 and $700 a year which we had no right to pay. For instance, under the Jurors' Act we have been paying the clerk of the peace for receiving and examining the report of the selectors. He interprets that to mean that where there are three or four selectors, selecting jurors from the different municipalities that he is entitled to charge for each one, as a separate report. The judges have decided now that there is only one report from each muncipality. Then in the Jury Act prior to 1879, there was a provision for arranging alphabetically and in order the jury book. That was repealed in 1879 or 1880, but in the county of York, and I understand from Mr. Fleming in some other counties, that item has been charged. The judges took off $102 this year for those services that we have been paying each year since 1879 which the county had no right to pay. Where the officials are paid by salary there is no incentive to do those things.

Q.—That struck you particularly in the case of clerks of the peace, that charges are made in excess of the lawful charges which it difficult to check? A.—Yes, it is difficult to get men as auditors who have sufficient experience. Then the judges have found it is difficult to say just at a glance what should be paid by the Government and what by the municipality. Last year I was auditor myself, and I knew nothing about it, but I have found out since, by carefully going over the accounts, that last year we paid $136 80 that ought to have been paid by the Government.

Mr. HOBSON: Q.—It is largely a matter of misconstruing the Act? A.—Yes, they do not construe it the same in different offices.

The CHAIRMAN: Q.—Supposing that could be obviated by giving the clerk of the peace a salary, what do you say would be a reasonable salary for the duties he performs? A.—I think in the city of Toronto $2,500 would be a fair salary for the clerk of the peace.

Q.—Devoting all his time to it? A.—No, it would not occupy all his time in the county of York, not the office of clerk of the peace alone.

Mr. ROBINSON: Q.—Would he pay his expenses out of that? A.—No, that is just his own salary.

Mr. FLEMING: The difficulty is that a large part of his duties come in one part of the year during the December sessions, the preparation of the jury books, and no one man could very well do it in this county.

The CHAIRMAN: Q.—That would be a case for clerical assistance? A.—Yes, just at that time.

Q.—We were considering the question of what form the remuneration should take; have you expressed an opinion as to the remuneration of the other officers? A.—No, I have not. I do not think you could pay Division Court clerks and bailiffs in any other way than by fees. I do not think that the divisions are too numerous; I cannot agree with Mr. Jackson in reference to that. A large proportion of the fees of Division Court bailiffs are made up in mileage, and if you made a division forty miles wide it would add to the cost very much.

Mr. HOBSON: Q.—And there would be more inconvenience to suitors? A.—Yes; I have had a good deal of experience in Division Courts and I do not think there are too many.

The CHAIRMAN: Q.—Have you heard any complaints of bailiffs promoting or fostering litigation? A.—No. I do not very well see how they could do it, because any person with sufficient experience in Division Courts knows that after a suit is once entered that the other costs are only a matter of detail, only 25 cents putting in the notice of defence.

Q.—Letters have been received saying that the bailiffs will serve a man, and when he asks them what is best to be done, the bailiff will advise him to put in a defence for the purpose of swelling the costs of the matter? A.—The costs could not possibly be swelled any more than 25 cents for putting in the notice of defence and 15 cents for the bailiff calling, and the clerk 50 cents for recording the judgment, and he would get that whether there was a defence or not. The utmost expense that could be added to it is 60 cents—45 cents for sending out notice, and 15 cents for calling by the bailiff.

Q.—Then as to the sheriffs, what do you think? A.—Well, in my opinion the compensation of sheriffs should be larger then that of any other officer in the list. They are constantly running the risk of being involved in litigation. We have had that shown lately in the case of Sheriff Widdifield in connection with the Vaughan case; he was stuck for a couple of thousand dollars. The sheriff has a great responsibility. I would not place his salary quite so high as Sir William Howland did, but I think he should get, particularly in the cities, a good salary. I would say $3,500 or $4,000 in the big cities.

Q.—And in the counties? A.—$2,000 or $2,500.

Q.—And registrars of deeds? A.—Well, as I said before, their work is largely clerical. If he is at all careful he need not incur any legal liability; he has not the responsibility the sheriff has. I should think in cities the registrar would be well enough paid with $2,250, and in the outer counties $1,500.

Q.—How should any fees above that be dealt with? A.—I think they should go back to the municipality.

Q.—Would you give him a percentage on the surplus over and above the fixed salary? A.—Well, such a percentage would be an inducement for him to charge up every instrument registered; I think there ought to be a small percentage given on the excess.

Q.—What do you think of the sliding scale fixed by the present statute? A.—I have not seen the present Bill; I do not think it affects the registrars materially.

Q.—It gives a smaller percentage on the larger amounts of surplus? A.—I think I would give them a small percentage, but not fifty per cent.

Q.—And what do you say as to the sheriffs? A.—In the case of the sheriff I think the excess ought to be paid to the Government. I think there would be no objection to supplementing the salaries of the sheriffs in the poorer and sparsely settled localities out of the surplus arising from those places where it was largely in excess.

Q.—In addition to supplementing the salaries as you speak of, would you favor devoting it to a kind of indemnity fund to be used in case a sheriff is let in for something not traceable to his own negligence instead of taking it out of his salary? A.—I have not sufficiently considered that; I would not care to give an opinion upon that. I had only reference to the payments made by the Government, largely. I presume it would be very difficult to get the sheriff to give the same attention.

Q.—As sheriffs are paid now it is contributed in this way, one-sixth of the sheriff's salary is contributed by the municipality, two-sixths from the Government, and three-sixths, that is one half of the whole, comes on the litigants, or the people who are benefited by the services of the sheriff? A.—That is about the average now.

Q.—Well, if you put the sheriff on a salary do you think his efficiency to the public would be affected? A.—Well, the sheriff ought to do his duty as efficiently; whether he would or not, I could not say. I suppose the natural inclination of man is to do no more than he is paid for. I do not know that there are any particular complaints against officers who are paid by salary. I presume Mr. Fleming is paid by salary, and the judges are paid salaries, and I presume they do their work as efficiently as if paid by fees.

Q.—It has been suggested that sheriffs should not be paid by salary for that reason, sheriffs and Division Court bailiffs have been singled out as officers who should not receive salaries, on account of the necessity for prompt action required on their part? A.—There might be that difficulty.

Q.—Well, as far as you are able to say at present, you think sheriffs should receive fees from the people for whom they render services, and the amount from the Government and the municipalities should be commuted so that they would not get more than a certain amount? A.—Yes; I think they ought to be paid by the litigants for what they do, supplemented by the Government for the other.

Mr. Mason: Q.—Has the question of commuting the fees of the clerk of the peace come up in your county? A.—Yes. It only came up this last session, and it was referred to a special committee, of which I am a member, and we have not yet made any overtures to him. We are not yet in a position to do so. We do not know what we should offer him. Of course it is very unsatisfactory the way it is, because either party can terminate the agreement on the 31st of December each year. You might arrange with him for a year, and he might get dissatisfied and terminate at the end of the year.

The Chairman: Q.—Do you think of any scheme by which the matter might be settled between the clerk of the peace and the municipality, that is if he wants to commute at one rate and the county at another: have you any machinery in your mind by which it could be determined? A.—In case of a difference on the figures of the commutation I think the warden and some person nominated by the clerk of the peace and the inspector of public offices might be a board to arrange it. I would rather have as a third party the inspector of public offices, because the county judge is brought into connection with the clerk of the peace, and would not care to act in a matter of the kind. In fact I know judges Morgan and McDougall would prefer not sitting on the board of audit at all.

Q.—If the Government should decide upon a system of commuting the fees and fixing the amount of salaries instead of letting the officers pocket the fees, how do you think the amount should be arrived at? A.—I have not thought of that. I do not know that I would be in a position to give an opinion upon that, because the cost of living varies materially, and the amount of fees received in some instances differs very materially from others. For instance, Mr. Jackson was speaking a short time ago about the fees received by our county treasurer. Now, the fees received for searches there since the stringency in the money market has dropped from $400, or $500, to $100, caused, I suppose, largely by more money in the country, and the farmers lending money instead of borrowers going to the loan companies. They go to the local municipality and see there are no unpaid taxes, and they save that search. I was talking with the sheriff to-day, and I understand that the fees for searches in sheriff Mowat's office have dropped $2,000 this year. So it varies, and you would have to go back two or three years and fix it in that way. In other offices the searches may have increased.

Mr. Fleming: Q.—The officers would do well to commute on the basis of the receipts of the boom period? A.—Yes, if they could commute on the basis of the receipts of the last five years the sheriffs would be all right. Then as to the employment of the deputies. I am in favor of the employer having the choice of his own deputy, but I think the amount they receive should be fixed by the inspector of public offices, because I do think some of them are underpaid.

Mr. ROBINSON: Q.—You would have their payment regulated by the Government, have a maximum and minimum? A.—Yes, I think they ought to have some say. There is no question that some offices in the county are a sinicure, and the deputies do all the work.

The CHAIRMAN: Q.—What would be a fair minimum salary for the deputies in the registry offices, say? A.—That would partially depend on whether there was one or more.

Q.—Take it there is only one? A.—Well, the deputy in the city of Toronto ought to get I should think at least $2,000. I do not see why you should give the registrar $3,000 for doing nothing and the deputy only $1,000 for doing all the work.

Mr. ROBINSON: Q.—Do you think the deputy exceeds that now? A.—I could not say; I am afraid not.

Mr. HOBSON: Q.—You would suppose the deputy in Toronto would be quite capable of taking the work of any ordinary office in a county, it would require a superior man in Toronto? A.—Yes, I think so. I do not make any reflections, but once a registrar is appointed it is for life, and everybody knows that in the case of some of the registrars in Toronto the deputy has to do all the work, and there are similar instances in other places, where the registrar is old. I speak of Mr. Ridout with all respect, but the deputy has to do all the work, and the same way through the whole Province of Ontario, they are not removed when they become unfit for their duties.

The CHAIRMAN: Q.—What would you give a deputy in country offices? A.—I would give the same as Mr. Jackson said $600 or $700. In those offices the registrar generally does part of the work.

Q.—Then in the case of occasional assistance being required, for copying and so on, what do you say? A.—I would leave that to the registrar. They are paid now so much per folio for copying.

Q.—In a great many of the states they have the thing regulated down to the lowest item? A.—Well, without a person taking up that point and considering it wholly it would be impossible to give an opinion. Any two or three persons having considered that, could give a better answer than one answering off hand.

Q.—Do you think these officers should give their whole time to the work? A.—Yes, I would give them a fair living compensation, and then they should not interfere in any other business. Of course I would not apply that to Division Court bailiffs and clerks.

Q.—It is said that both Division Court clerks and bailiffs get very small pay now, that the business has gone down considerably? A.—Oh yes, the Division Court clerks and bailiffs should not be restricted in that way, but officials who are getting a fair living remuneration out of their offices should confine their attention wholly to the duties of their officies.

Q.—Have you any opinion as to the advisability of disenfranchising these lower court officers in the manner Mr. Jackson spoke of? A.—No, nothing has come under my observation to make me think they are any worse than ordinary mortals; we all dabble in politics a little at election times. Of course it is understood now that they shall not use their office in an improper way, but I would not favor depriving them of their right to vote. As far as my observation has gone they are fairly discreet.

JOHN R. WISSLER, by request of the Commissioners, appeared before the Board, and, being interrogated, stated as follows:

The CHAIRMAN: Q.—What municipal experience have you had? A.—I am in the county council of the county of Wellington; I have been deputy-reeve, reeve and warden, clerk of the township, and auditor of the county; I have been connected with municipal matters for twenty-five years. My township is the township of Nichol, the model township.

Q.—Looking at this list of officers, what do you say as to the manner of appointing any or all of them? A.—I do not think the present system can be improved on; I think the Government should appoint them.

Q.—What reason have you for that? A.—I know the Division Court clerks and bailiffs, who used to be appointed by the judges, were far more attentive to the judges than accommodating to the public; now they are more attentive to the people.

Q.—What do you say as to the manner of paying these officers? A.—I think the fees of the registrars ought to be polled, and the inspector should go round and see what work they are doing, and determine what salary they are entitled to. If they required assistance or a deputy I would allow them that assistance; and whatever surplus there was after paying the expenses of the office, I would let the Government do what they thought best with it. Of course if they saw fit to return it to the municipality it would be pleasing to them; but if they thought otherwise, they could do as they pleased with it.

Q.—That would be in effect giving the registrar a fixed salary, payable out of the fees collected by him? A.—Yes; a fixed salary according to the amount of work done; if there was more work done they would have more assistance allowed by the inspector.

Q.—What salary would you allow the registrars out of the fees? A.—A good deal according to the locality they were living in. In some places they have gas and fuel to find; and they have to keep themselves respectable.

Q.—That gas and fuel should come out of the fees? A.—Out of the expenses

Q.—But what would you allow a man for his own personal use? Of course the office would have to be kept in proper order, as part of the expense; but I was rather thinking of what you would allow a man for himself, deducting the expenses of the office? A.—What I mean is that if he has a man to attend his horse and keep his garden, and that man goes down for an hour in the morning to shovel the snow in front of the office, the man's whole time should not be charged to the expenses of the office. The inspector should allow him a proper amount for the expenses of the office, and then I think in a country office $1,500, or in one of the smaller cities $2,000 would be a fair salary, and in cities like Hamilton or Toronto $3,000.

Q.—That would be for his own benefit, and the inspector would see that there were no unnecessary expenses charged, that he would not keep a man for his own work on pretence of cleaning off the sidewalk in front of the registry office? A.—Yes.

Q.—Then as to the sheriffs? A.—I do not think they are being paid any more money than they ought to be paid, considering the responsibility they have.

Q.—Then the clerks of the County Court? A.—That is not the clerk of the peace?

Q.—No; the clerk of the County Court? A.—I do not think I would meddle with them either.

Q.—Then take the clerks of the peace and county attorneys? A.—I think they should be paid by salary; I think that they are a benefit to the whole country, like the judges, and should be paid by the whole country; they are of equal benefit to any portion of the country. At the present time they do not know what salary they are going to get; and I think if they were paid by salary it would save them a great deal of trouble.

Q.—You think the fees ought to go to the Government, and the officers should be paid a salary out of the general revenue? A.—Yes.

Q.—What salary would you say? A.—It would altogether depend on circumstances, according to the ability required.

Q.—Of course they have to be men competent to plead in Court? A.—Yes; but there are some places where the Courts are so small that they can do quite a little outside work besides.

Q.—But taking all that into account? A.—Well, I would think $2,500 outside of the large cities.

Q.—And that would leave them open to get in any little work they could apart from that salary? A.—Yes; they could attend to the Police Court.

Q.—What do you say about Division Court clerks and bailiffs? A.—I think they have got a very poor living the way it is; I think inside of a few years they will be pretty nearly wiped out; the people are getting so well off they don't use them much.

Mr. Robinson: Q.—I am very glad to hear that; that is the case in your county? A.—Yes.

The Chairman: Q.—Judge Kingsmill has said very much the same thing? A.—I remember the time when our bailiff used to make a living out of it, and it took his whole time; but now he tells me there is not $25 a year in it. There is one thing I am going to suggest. The school inspectors are not on the list.

Mr. Mason: They are not Government officials.

The Witness: If we have a man we think is not competent, how are we to get rid of him?

Mr. Fleming: By a resolution of the council.

Mr. Robinson: Q.—If the inspectors were to be employed in the way you suggest, that is the inspectors of public offices, they would have a good deal of work to do, would not they? A.—I do not think he would have a great deal more than he has now.

Q.—To apportion the salaries, and look after the expenses and everything like that? A.—The Government would fix the salary. What I object to at the present time is the way we get at the receipts of the office. We get a certain proportion, that is the county; but how do we arrive at this proportion? There ought to be an audit on the receipts of the registry office.

Mr. MASON: I think you are right, that there should be some uniform way of arriving at the disbursements and the percentages.

Mr. HOBSON: Who are the auditors of the registrars' accounts?

Mr. FLEMING: The inspector.

Mr. MASON: Is he supposed to go over the accounts and make a regular audit?

Mr. FLEMING: All the disbursements of the office are subject to his regulation and inspection, just as in my own case in regard to the sheriffs.

Mr. ROBINSON: Does he give a return?

Mr. FLEMING: Yes; there is power to take his statement on oath.

Mr. HOBSON: He sends in a detailed statement?

Mr. FLEMING: They do not send in any detailed statement.

Mr. MASON: One witness said that in the registrary offices they practically knew nothing about it.

Mr. FLEMING: The witness does not know what the inspector knows; they are speaking from their own knowledge. I am speaking from the inspector's Of course Mr. Wissler does not know as much about this subject as I do. The registrar in his sworn return shows how much is payable to the county, and the date on which it was paid, and they hold bonds that he will pay it.

Mr. MASON: That is only a reference to the totals. What we want to get at is how that is checked or verified beyond the mere fact of the declaration?

Mr. FLEMING: By the inspector. For instance, the inspector goes to the county of Wellington and gets the registrar's return; he does not examine the figures because he knows from his inspection that there is a clerk employed at a salary of so much, and that he occasionally requires a little extra assistance in copying, and the expenses are put down at $750. The inspector knows that is not excessive————

Mr. MASON: It is not a question of whether it is excessive, but how do you know that he paid out that money?

Mr. HOBSON: How do you know he received say $693.40 for searches?

Mr. FLEMING: Except by search of his office. The registrar is required to keep day by day a detailed statement of every search that is made; he has a book in which he puts down every twenty-five cents. The examination whether that book is properly kept is one of the duties of the inspector.

Mr. MASON: Suppose he had on the other side, "Paid John Jones $25 for services," does the inspector take it for granted that was paid?

Mr. FLEMING: He knows that John Jones is there in the registry office working for him.

Mr. MASON: That is not my idea of an audit.

Mr. FLEMING: It is not an audit; it is a check on the proper amount payable to the county.

Mr. MASON: What he supposes to be the proper amount; not what he knows.

The WITNESS: I would like to recommend that the supplies be furnished to the registrar by the Government, and then the inspector would see if they were excessive. We have charged against us in our county $40 or $45 for a book. It is an exceptional book, but if the Government was furnishing that book it would not be more than $15 or $18, and then there would be a uniform book in all the registry offices throughout the Province. Now we get a bill from Mr. Anderson for supplies, and we cannot say whether it is excessive, because we have not experience enough to know about it. I think if the Government undertook to furnish these things it would be done much better and cheaper than at present.

Mr. ROBINSON: Q.—Would you advocate joining those offices together as far as your county is concerned? A.—I think we have them joined as far as can be I think one registry office would answer better than two.

Mr. HOBSON: In small outlying districts where the receipts are very small would it be well to have two offices under the management of one man? I am thinking of away in Muskoka for instance? A.—I would think it would do very well there, or even nearer home in small counties, or even if we took our county clerk and the registrar of the Surrogate Court and coupled them together.

Mr. MASON: Q.—They are usually coupled together? A.—Well there is a new one appointed in our county recently.

Mr. ROBINSON: Q.—You are decidedly of opinion that none of these officers should be elected by popular vote? A.—No, nor by the County Council either.

Mr. BROOKS: Q.—Why not; what do you see in the way of that? A.—It would cause bickering in the County Council. We send our representatives here to the Local House, and I do not believe in usurping the little power they have got, if they have usurped some of ours. A registry office is not for the convenience of the county in which it is situated alone, it is for the whole Dominion, for anyone who desires to get abstracts from it. The present system ensures everything being done in a regular and uniform way, and I think it is for the benefit of the whole people.

Mr. HOBSON: Q.—From your long experience in the County Council, do you think it likely that more efficient officers would be secured either by election by the people or by appointment by the County Council? A.—I do not think so. In the county of Wellington, as far as I have seen, the Government has appointed as efficient men as we could have appointed.

Mr. BROOKS: Q.—Don't you think the people could elect for themselves? A.—Well, I think it would make so much more bribery and corruption. I think we have too many elections now; I think we have six elections in Wellington and four would do, and if we had so many more it would result in one neighbor cutting the head off another all the year around.

Mr. HOBSON: Q.—Another question that arises, if they were elected by the people or appointed by the council, don't you think they would be likely to trim their sails to suit the people from whom they received their appointment or

election? A.—I do not know that it would make much difference in that way. After a man is elected he is generally independent until near the 1st of January again.

Mr. Mason: Q.—I suppose in some cases there would be sectional feeling arising in regard to these appointments? A.—Yes, they would split up and there would be log rolling. One section would agree to let another have their sheriff if they would let them have in return the money wanted to build a bridge or anything of the kind.

JOHN D. EVANS, by request of the Commissioners appeared before the Board, and been interrogated, stated as follows:—

Mr. Robinson: Q.—What has been your municipal experience, Mr. Evans? A.—I have been a member of the council 17 years; I am now reeve of the township of Etobicoke. I was also warden of the county in 1890.

Q.—What is your opinion as to the manner in which the officers in the list which you have had should be appointed? I think the registrars of deeds, sheriffs, jailers, clerks of the peace and county crown attorneys should be appointed by the county councils, as they are to a certain extent county officials. Some of the others are more of a provincial character.

Q.—What about Division Court clerks? A.—They are not of very much importance, their salaries are not very high, I think the province assumes that every one of them should have $500 a year, there is a provision that where it does not reach that amount the county councils have to provide their books.

Q.—Be kind enough to state your reasons for thinking the appointments of which you speak should be made by the county council? A.—In the first place, I think you would get just as efficient, if not more efficient officers? I think there have been men appointed by the Government who would not be considered good enough by the county councils. Then I think it would be much cheaper. The Government does not make these appointments or fix the remuneration exactly with a view to payment for the services to be rendered in the offices, but rather as a reward for previous political services, and they therefore keep up the salaries, because the positions are soft snaps for their friends to fall into as a reward for their services. Now, the county councils would not use the appointments for that purpose? You can depend on them to get their work done in the most economical way possible, and under their management there would be no chance for these men to farm out their fees as is now done. I think the council should fix their remuneration, and see that they do the work for it. I think Government officials all round in the Dominion and provinces are paid salaries that they could not begin to earn in any private office or occupation, and I do not see any reason why that should be so; I think they should only have such a salary as they would be worth in any other capacity.

Q.—If these officers were appointed in the way you suggest, what provision would you have for their control and inspection? A.—I do not think the inspection at present amounts to very much, but if it was thought that the county councils were not capable of looking after them closely enough they could be inspected by the province.

Mr. Hobson: Q.—In the case of the inspection being done by the county councils, do you not think it would be likely to lack uniformity? A.—There might be something in that. I think if the province bore the expense of these

offices then they might fairly claim to make the appointments of the officials. For instance, if they built the court houses and gaols and maintained them, and built the registry offices it might be different, but as things are now I do not think the councils have the control over the these matters that they ought to have. Now, in the county of York the 46 members were of opinion that the registry office was quite satisfactory, but a government official came along and said it was not, and compelled us to lay $10,000 to improve it according to his views. There is absolute control in one man. One inspector of the registry offices says you must not have more than one story to a registry office; the present inspector says you may add a second story, and in that way the 46 members of the council are controlled by the whim of that official.

Mr. MASON: Q.—As a matter of fact, didn't the county council of York petition to that effect? A.—We have petitioned that these officials be appointed by the county council, not this year, but we have on several occasions previously.

Q.—You say you would get these officials cheaper; what difference does it make so long as they are paid by fees? A.—Well, they are not altogether paid by fees. Some of these parties are paid by fees, collected from the county, and some in other ways.

Q.—Some by the Government? A.—Yes; we pay these officers in the first instance, and then we send up our account to the Government and they pay a portion of it back to us.

Mr. ROBINSON: Q.—Would you have these gentlemen elected annually? A.—Oh, no, I would not make any change in the tenure of office, I think the appointment should be during good behaviour, I would think it a great disaster to change these men annually.

Mr. MASON: Q.—Are you of opinion that only qualification and efficiency would be taken into consideration if the appointments were made by the council? A.—I have every confidence in the county councils in making the appointments. They appoint their school inspectors, their clerks, and treasurers, and the county solicitors, and the keepers of the industrial homes, and I think their appointments will compare favorably with those made by any other body. I think they are quite capable of making appointments of that kind.

Mr. ROBINSON: Q.—You think they would make as fit appointments as are now made by the Government? A.—I think quite so. The county council gets to know the qualifications of these men. A great many of the council recommended Mr. Richardson for the the position of sheriff, who is now a candidate in East York; he would have made a good sheriff. I think if the appointment of the sheriff had been in the hands of the council they would have appointed an efficient man.

Mr. MASON: Q.—You do not think there would be a tendency to favor ex-wardens and reeves? A.—If there was it would be no harm.

Q.—You spoke of ex-members of Parliament being favored now, would not the same kind of thing enter into the appointments made by the council? A.—No, because the ex-warden or ex-reeve of one local municipalty or township, does not affect the council of another municipality. Take for instance, ex-warden Erastus Jackson, of Newmarket, he has no influence in the county council; the county council is not under any obligation to him, and never has been. It is entirely different with the Government. The men who are appointed by the

Government are men who have been active in assisting the Government, who have been prominent in elections or to whom the Government are under an obligation. The county has never been under any obligation to Mr. Jackson as ex-warden it is the other way about, he has been under an obligation to the county for electing him warden.

Q.—The only difference is that in one case it is a matter of obligation and in the other of favor? A.—Yes, there might be friendship, and probably if a man filled the position of warden well they might come to the conclusion that it was good grounds for selecting him for an office.

Q.—You think 46 men in the council would be more likely to make an efficient appointment than seven men in the Cabinet Council? A.—I do, because these seven Ministers have to appoint for the whole province, probably appointing men they know very little about, whom some of them have never seen, living in municipalities a couple of hundred miles away from them. The county councils would appoint each for its own locality, and the members would have better opportunities of knowing the qualifications of the men immediately within that county than the Cabinet Ministers have.

Mr. Robinson: Q.—Are you in favor of their being paid by fees as at the present time? A.—I think it would be better to pay them a straight salary. Where a man is over-paid it is easier to conceal it when he is paid by fees than where he is paid a salary in hard cash.

Mr. Mason: Q.—Then you do not approve of the man who gets the work done having to pay for it? A.—Oh yes, that is all right; let the fees be collected, but let them be payable to the county, and then let the county pay the officer his salary. I think the system adopted in the post office is not a bad one; they make returns twice a year, and the salaries are fixed from year to year on the returns so made. The only defect I see in that is that instead of taking the whole year they take a couple of weeks in the year and the postmaster knows it, and he gets all the business he can. I think if they based the salary on the revenue for the whole year it would be a fairer way of doing it.

Q.—Do you think it is likely the revenue would be as large under the salary system as under the fee system? A.—Well, it should be, unless they are collecting illegal fees.

Q.—Or unless under the salary system they failed to collect all the fees? A.—Yes, well they might either way.

Q.—It would be most likely? A.—I think it is likely they would collect the legal fees and no more.

Q.—Have you any reason to suppose that illegal fees are collected under the present system? A.—That is what we contend in the county of York, as my colleague, Mr. Woodcock, has told you; we contend that illegal fees have been collected.

Q.—You mean rather that they have been passed by the board of audit of the county? A.—Yes.

Q.—In other words the inspecting officers appointed by the county council have allowed payments that should not have been allowed? A.—Yes, they didn't seem to understand their business very well, and they passed the accounts.

Q.—That is an instance, apparently, where the appointment of the county council has not been good? A.—Well, that appointment of the auditors has probably been a failure, but at all events these same auditors discovered it and brought it before the county council. I don't find that the inspector of offices for Ontario or whoever has charge of these matters, has helped us any. If there is any Government inspection of the office of the clerk of the peace, why has not the inspector discovered these matters and reported them to us, that he was collecting fees that the statutes of the province did not justify.

Q.—Do you know whether or not it is in the power of the inspector to interfere with the auditors? A.—I do not know anything about that.

Q.—I understood you to say if there was anything wrong the inspector was to blame as well? A.—What I say is this; you ask how we are going to inspect these things in the future. I say the system of inspection at the present time cannot be very efficient if they have not found these matters out.

Q.—But you have an inspection now by a board appointed by yourselves? A.—Yes.

Q.—And according to your statement that has turned out a failure? A.—No, I cannot say that it has been a failure, because we have discovered these facts through that system.

Mr. Hobson: Q.—You have allowed the mistakes to go on? A.—Yes.

Q.—If they had not been allowed to go on you would not have discovered them? A.—No; They could not be discovered if they did not exist.

Mr. Mason: Q.—Have you any reason to suppose if the other officers were appointed by the council as you suggest that their inspection would be any more effectual than that of this board of audit of these criminal justice accounts? A.—I do not know whether it would or not, it is a question altogether of who the auditors would be. It does not seem that we would be any worse off than at present, for there does not seem to be any Government inspection for looking into these matters at present.

Q.—Assuming that the board of audit had not been in existence and the inspection was made by the Government inspector, no doubt you then might have had reason to complain if these charges had been passed by you, but I do not see how you can blame him when he has nothing whatever to do with it? A.—I am not blaming him; I say we should be no worse off. If the system is so perfect now there should be somebody who has something to do with it.

Q.—That is just exactly what I was trying to arrive at, you say the system is not perfect? A.—No.

Q.—And yet that system includes the appointment by your own council of your own auditors? A.—Yes; but the auditors have put it in this way, that it was not a question of whether this money was expended, but whether the charges made were in accordance with the statute. If the county judge, who is ex-official one of the auditors had attended these matters would have been discovered sooner.

Mr. Hobson: Q.—I do not see very clearly how you have allowed these mistakes to occur. The auditors have a printed tariff to refer to, and it seems to me that it must have been the result of negligence on the part of the auditors? A.—Very likely.

Mr. ROBINSON: Q.—How would you have the deputies appointed; by the chief, the registrar or the sheriff? A.—If the officials were appointed by the council and they wanted assistance they could come to the council and say so, and if the council found that the assistance was necessary they would appoint assistants and fix their salaries.

Mr. MASON: Q.—What is your idea as to the remuneration of these officials? A.—It would be impossible to fix any general amount or salary; that is a matter that would have to be decided in each county.

Mr. HOBSON: Q.—What would you consider the services of a man would be worth who gave his whole time in one of our average counties, you know what sort of a man it would require? A.—Well, is there any county where it is necessary for a man to give his whole time to it? It has been done in York, and I think it is the largest county in the province. I find that the sheriff has held another office. He has been grand medical examiner of the workmen, at a large salary in addition to being sheriff, and I assume that in the small counties no one would require to give his whole time. I find also that the clerk of the peace is solicitor for the township of York, and does a large legal business in addition to finding time to act as clerk of the peace.

Q.—As a matter of fact in a great many counties of this province they do give all their time. Do you consider that a man should give all his time? A.—That depends simply on whether there is work enough for him to do. If he can do other work in addition I know of no reason why he shouldn't.

Mr. MASON: Q.—Who should be the judge of that? A.—Whatever power appoints him.

Mr. HOBSON: Q.—It would never do to have a registry office without the principal in at all legal hours, would it? A.—Well, they are not in at all legal hours. There is some one there, of course, quite often not the registrar himself.

Q.—Well, supposing they give all their time to it, what do you think is a fair minimum remuneration? A.—Well, out in the country if a man has an office provided and lighted and heated for him I think $1,500 a year would be ample for a registrar.

Q.—And the sheriff? A.—I have very little idea of what the sheriffs have to do in some of these counties, how much their work amounts to; I fancy they would be idle two-thirds of the time, and if they got $1,500 a year I think they would be amply paid.

Q.—What do you think a deputy in such offices ought to get as a fair remuneration, a deputy sheriff or deputy registrar? A.—I don't know exactly what the deputy registrar in the county of York gets, but I think the highest salary paid next to him is only ten dollars per week. I had occasion to investigate that matter. A complaint reached the council of York that some of the clerks were getting starvation wages, and another member and myself were appointed a committee to look into it. We found that beneath the deputy registrar none of them was receiving more than $10 per week. The others were getting so much per folio, they were earning $2.50 per week, but I don't know that it is the fault of the registrar, there is no work for them.

Mr. MASON: Q.—The under clerks were chiefly copying clerks? A.—Yes. I think Mr. Unwin told me that the registrar himself after he had paid his assistants had only about $1,000 a year clear, that is all he had then. Of course

was different in the boom times when things were moving more rapidly, and he had $3,000. I think $1,000 is too little for the county of York registrars. I think they should be paid fair, reasonable salaries, the same as in any other position, but I do not see that because they are officials of the Government they should be paid fancy salaries.

Mr. MASON: Q.—Do you consider that these officers are county officers in the same sense as the county clerk or treasurer? A.—Not exactly in the same light, because the county councils have to pay the whole salary of those officers and only part of the others, and the county registrars they pay nothing, but they have to provide for their accomodation, and have to build courthouses, gaols and registry offices, and provide heating and lighting; they even have to provide the towels with which the officials keep themselves clean, and pens and ink for their use.

Q.—So far as the registry office is concerned, have not you received more back than you have paid? A.—We have only begun to receive in the last few years, we have only had an income for the last few years.

Q.—I mean since you have received anything has not it been more than would pay the expense of maintaining the registry office? A.—Well, I think it would not. I have not summed it up. We laid out $10,000 on the buildings a couple of years ago.

Mr. ROBINSON: Q.—Is there any statement you would like to make in regard to anything about which you have not being questioned? A.—No, sir, I think I have said all I wish to say on the subject.

Hon. J. C. AIKINS, by request of the Commissioners, appeared before the Board, and being interrogated, stated as follows:

The CHAIRMAN: Q.—Besides having been Lieutenant-Governor of the province of Manitoba, what offices have you held? Any municipal ones? A.—I was in the township council.

Q.—And you know the municipal system of this country as well as of Manitoba? A.—I know it fairly well; they are making so many changes in it that it is somewhat difficult to keep track of it.

Q.—Is the municipal system of Manitoba much the same as our own? A.—It is based on it, or largely copied from it.

Q.—Are the registrars appointed by the Government there? A.—Yes.

Q.—And all these other officers, are the appointments made by the executive? A.—By the executive.

Q.—Taking your experience there as well as here, what do you say about the appointment of these officers, do you think there should be any change made? A.—I think the present system has worked fairly well, much better than the elective system would.

Q.—Do you think there is any reason for changing the appointment by placing it in the hands of county councils? A.—I don't think so. Of course we all know that the appointments made are largely for political reasons, but I think the county councils would drift into that too very largely.

Q.—Would you see any reason for giving these appointments to the county councils, the sheriffs, for instance? A.—No.

Q.—Is that a municipal office in any sense? A.—No, he is not strictly a municipal officer

Q.—He has to do with the administration of the law throughout the country. Take a law that was unpopular in a particular locality, would the sheriff in that locality if appointed by the people be likely to enforce it? A.—No; that is one objection to the election of officers by the people, especially in anything in reference to the judiciary.

Q.—These officers are all of that character, except perhaps the registrar of deeds? A.—Yes.

Q.—As to the registrars, it is thought they might be appointed by the county councils? A.—I think they might, with perfect safety, but whether they would be any better or not I could not say.

Q.—Have you any experience of the way these officers discharge their duties in places where they are elected—in the United States, for instance? A.—No, I have seen some of them.

Q.—When candidates for office, what have you seen? A.—That the results have been very unsatisfactory, at least to my mind. They become to a very great extent the creatures of their supporters, and are inclined to favor those who supported him. In some places a platform is erected and all the candidates address the electors, that they may ascertain their qualifications for office.

Q.—That applies of course to election by the people. What objection have you to the county council nomination? A.—I don't know that I have any, the selection might be as good, but I do not think I would make the change for the sake of changing. Perhaps if they selected their officers and fixed the salary they might get along more economically, with less charge upon the community.

Q.—You would have to change the entire system with regard to the county council appointments? A.—Yes.

Q.—The inspection and the responsibility would have to be changed? A.—If they were given that power provision would have to be made for that.

Q.—Would you have the inspection by the county council? A.—No.

Q.—The inspection would have to be by the Government? A.—Yes.

Q.—Would you have the salaries regulated by the county council? A.—I think so.

Q.—In the United States I think the salaries are all regulated by the Legislature? A.—Yes.

Q.—Do you think that county councils would be likely to give fairly reasonable salaries to the different officers, supposing they had the appointment, would they give sufficient salary to get good men? A.—I think they would; I don't see any reason why they should not.

Q.—They do not take very good care of their court houses; I do not know apart from that. However you see no real reason for a change in the way of appointment? A.—No. The question of bailiffs has always occurred to me, that being appointed by the Government they are not amenable to their superiors, which places the superior officer in a rather unpleasant position sometimes.

Q.—We have heard a variety of opinions about that. What change would you suggest, would you suggest that they should be appointed by the superior officer, the judge? A.—Yes; that was the old system, and my impression was that it worked very well.

Q.—A good many of the judges have expressed their satisfaction with the change, and think it is worked as efficiently under the present system of inspection? A.—Because the appointment being vested by the Government they are relieved from the responsibility.

Q.—That would be a change to the county judges as far as that office is concerned? A.—Yes.

Q.—What views have you formed of the way in which the officers under consideration should be remunerated? How are they compensated in Manitoba? A.—By fees.

Q.—They receive fees? A.—Yes.

Q.—Have they in any case commuted and fixed the salaries there? A.—I am not aware.

Q.—Is that because the fees do not amount to any more than a living remuneration? A.—I suppose that is the reason; the population is sparse.

Q.—What do you think of the system here? Should the officer receive the fees and pay himself thereby, or would you fix his salary? A.—I think I would prefer a salary.

Q.—Payable out of the fees? A.—Yes.

Q.—Or out of the general Government? A.—Fund the fees for the payment of that class of officers.

Q.—But you think the services performed should be paid for by the persons receiving the benefits of them in fees? A.—Yes.

Q.—And out of those fees, funding the fees, and drawing salaries? A.—Yes. Then in that case the official would perform the duty, at present he very frequently pays little attention to it, employs a deputy, and gets the work done.

Q.—Then you would have some means of ascertaining what assistance should be given to each officer? A.—I think that could be determined by the amount of work.

Q.—I mean would you allow the officer to select his assistants, how many he should have, and so on, or would you have the number of assistants defined by some superior power? A.—Defined by some superior power.

Q.—As large a staff as was necessary. A.—Yes.

Q.—And having ascertained the number of men required, would you give each and all of them salaries? A.—Yes.

Q.—Then you would deal with the fund as one fund, that is the fees derived from registrars you would fund that in one fund and pay the whole body of officers out of it, or would you keep each county separate? A.—I think I would fund it and pay them all out of that as a general fund, in some cases the fees amount to very little, in rural municipalities, and might not be sufficient to give the officials a living salary.

Q.—Then out of that fund you would pay all the officers connected with that department, is that the way? A.—Yes.

Q.—And do you say the same with reference to sheriffs? A.—I would pay them all by salary.

Q.—You would have that worked in the same way, all the sheriffs all over the province put in one common fund and the sheriffs paid out of that? A.—In the case of the sheriffs I would be inclined to keep each county separate. In most cases the sheriff, as far as I know, employs only his deputy.

Q.—Do you think the services of the sheriffs would be as promptly and efficiently rendered if they were paid by salary as when they receive the fees for their work? A.—If they acted honestly they would be.

Q.—Some of the witnesses have made a distinction as to sheriffs and Division Court bailiffs. They are executive officers of the law, seizing, arresting people and so on, and it is said they would be more zealous in the discharge of their duties when paid fees than if paid by salary? A.—That might be the case in some instances; if they are good officers they should be as zealous in one way as the other, and if not good officers they could not be trusted under any system.

Q.—What do you say as to county attorneys, perhaps the next most important officers? A.—I know very much less about that officer and his duties.

Q.—Then you do not speak so much of the officers of the courts of justice? A.—No.

Q.—Have you formed any opinion as to Division Court clerks and bailiffs? A.—I have spoken with reference to bailiffs.

Q.—As to the manner of their appointment, but as to their payment? A.—I think I would pay them in the same way, by salary out of the fees.

Q.—Except in the city I think at present the amount of fees received by Division Court bailiffs is very small? A.—Well, if there was little work to be done they would get only small salaries, it would be based on the amount of work done and the time required.

Q.—Then you would prefer to pay these officers by a fixed salary rather than by fees? A.—Yes.

Q.—What principle underlies that, why do you think that a better way? A.—Well, in very many cases these officers' fees would be insufficient to give them the living they ought to have, and in other cases it might give them too much; they could be equalized in that way, that is one reason. I think all the officers employed should be fairly paid, but I do not think they should be over paid

Q.—It is said that in cases where salaries are paid instead of fees, where the fees have been commuted, there has been a shrinkage in the amount of fees collected, that they do not pan out as they did before? A.—That might be, perhaps; they might charge too much fees in some cases. That is the impression that prevails with some, though of course it may be an incorrect one.

Q.—But the fees are all regulated by tariff, they cannot charge too much? A.—If a person is acquainted with the tariff, it would be known that the charge was not too much.

Mr. HOBSON: Q.—But they would be liable to get into trouble for that? A.—Well, people do sometimes get into trouble.

Q.—As the law now stands any increase after a fixed amount goes back partly to the county and partly to the province. Do you think it would also be well in the offices where the fees are too small that they should be supplemented? A.—That would be my idea.

The CHAIRMAN; Mr. Aikins' idea is to pay them salary, made sufficiently large out of the surplus.

Mr. HOBSON: Q.—But the point is this, would not it be better to allow them still to collect the fees and retain a portion to prevent the likelihood of neglect to look carefully after them in the office, and to see that the proper amounts were paid? A.—There may be something in that, but these officers are all subject to inspection, and I should think that would be sufficient.

Q.—But if a man goes in and wants to make half a dozen searches, is there any way of checking that to see that he has been charged up for all of them? A.—No.

Q.—They would be twenty-five cents a search; if the registrar had no interest in collecting the fees is it not to be presumed he might say, "Oh, very well, a dollar will do for that," instead of charging the full amount of $1.50? A.—They might do that, but in every establishment there might be a clerk who would do the same thing; it would be very wrong. Of course it is to be supposed that suitable persons will be chosen for the office.

The CHAIRMAN: Q.—Do you see any objection to the present method supposing it were systematically carried out, of having a fixed amount payable to the officer out of the fees, and then a percentage on the surplus? A.—I think that is a very good plan, if the salary is not large enough, but it is a question if the fees might not be reduced if there was very much of a surplus.

Q.—The difficulty in regard to that is that it is only in the larger offices there is a surplus of fees. Of course it would be the best plan to make each office only self-supporting? A.—Yes.

Mr. MASON: Q.—Do you think there would be any objection to using the surplus derived from one county to make good the deficiency arising in another county? A.—There might be some grumbling. But sometimes very small counties are formed, and county buildings are erected, and officials are appointed, and the result is that their payment by fees is so small that they can scarcely live on it. I do not see why these men who have been appointed by the wish of the people should not be paid fair living salaries.

Q.—But by whom? Under the plan you propose they are going to be paid by people who have had no say in the formation of that county, and who have no interest in it? A.—That is true.

Q.—Is not that objectionable? A.—I do not know; as a general principle it might be.

Q.—If the county wants these offices I can understand the county paying for them and making good any deficiency, but don't you think it would be unreasonable to ask another county to supplement the salaries? A.—I don't know, if the fees are funded; there is no other course than that, I don't see any reason why that should be an objection.

Q.—Do you think your object could be attained just as well by the plan spoken of by the Chairman, that is, giving a fixed amount and a percentage on the fees received above that amount? A.—It is quite within the possibilities.

Q.—And then the surplus given back to the people from whom it came, the percentage on it being a payment to the officer for his increased responsibility? A.—That is true. You see, many of these points are new to me.

Q.—What I mean is, don't you think you would after all on the one hand gain exactly what you are aiming at, and at the same time give an incentive to the officers to collect the full amount of fees chargeable by law? A.—Yes, it might in that way.

Q.—As well, if not better, than by the plan you propose? A.—It perhaps might.

The CHAIRMAN: Q.—This plan has been suggested, which might perhaps meet your views, that is to fix the amount the officer is to receive, and if he does not collect that amount in fees he only gets what he actually does collect, and if he gets in more than the fixed amount it goes to the surplus. He would then be on the alert to collect at all events the amount of his salary? A.—That is so.

Q.—If the amount was to be fixed, how would you arrive at the amount to be given to say registrars? A.—I think that would very much depend upon the locality.

Q.—Take a country locality, what would you say should be the salary of the registrar in the average county, as distinguished from the cities? A.—I think you could get those places filled for $1,600 or $1,700 a year in country places.

Mr. ROBINSON: Q.—That would be clear of expenses? A.—Yes.

The CHAIRMAN: Q.—And the cities, take Toronto, for instance? A.—I should think from $3,000 to $5,000 for the registrar.

Q.—And the sheriff? A.—The responsibility of the sheriff is greater, both in the cities and in counties. I think the sheriffs in the counties should have $2,000 a year, or perhaps in some cases a little less, and in the city from $4,000 to $5,000.

Mr. BROOKS: Q.—In fixing those amounts, do you base it on the men who receive those salaries doing any of the work themselves, or do you make that allowance for them to hire the work done? A.—I would expect them to do the work themselves, or so much as is possible.

Mr. MASON: Q.—At those figures you would expect them to attend regularly to the duties of their offices? A.—Yes.

Mr. ROBINSON: Do you object to their engaging themselves in any other business? A.—As a rule I would; if a man is appointed to an office he should perform the duties of that office.

Q.—You are aware that many of them do some little business outside? A.—Yes.

The CHAIRMAN: Q.—If during office hours they attend to the duties of their office, do you object to their doing anything else at other times? A.—I do not think I would; if they honestly discharge the duties of their office during

the proper hours I see no reason why they should not engage in other occupations at other times, so long as what they do does not unfit them, or in no way conflicts with the performance of their duties.

Q.—What do you say as to the appointment and remuneration of assistants in say registrars offices, by whom should the appointment be made, and who should fix the scale of remuneration of the deputy for instance? A.—I would leave the appointment with the same power that appointed the registrar, the same as in the departments of the Government.

Q.—Does that conduce to proper subordination in an office, where there is an independent appointment of the deputy? A.—If the subordinate does not properly fulfil his duties what his superior has to do is to report him, and he will be dealt with and dismissed if necessary.

Q.—Do you not think it is better as a rule to have the chief appoint his deputy? A.—It depends very largely upon circumstances. If the principal is appointed by the Government I do not see why the deputy should not be appointed in the same way.

Q.—The principal is responsible for the mistakes of his assistants? A.—Well, it might be only so far as he could prevent them, but this is so in Government offices.

Q.—No doubt there are precedents; but if you were devising a system, do you think it would be wise to put a man in and hold him responsible for the mistakes of his deputy without giving him the power of appointing the deputy, or some voice in it? A.—No, I think he should have some voice, to see that the man is properly qualified for the position.

Mr. Robinson: Q.—A collector of customs is not responsible for the defalcations of his subordinate? A.—No, but he is responsible if his subordinate is not acting properly and he does not report him. If they are held responsible for the defalcations of their subordinates they should have the selection of them. In the post offices of the country if there is an assistant postmaster he is the employee of the postmaster.

The Chairman: Q.—You were the head of that department? A.—No, I was secretary of state and minister of inland revenue.

Q.—Would you have any supervision, then, as to the amount of pay received by the assistant, or would you leave that in the hands of the chief? A.—Yes, I would have supervision.

Q.—It is said in some quarters that these assistants are often ground down and not paid living wages? A.—You may sometimes get very efficient men for very moderate salaries. I think that is regulated by the law of supply and demand.

Q.—On business principles it would be left to that? A.—Yes.

ALEXANDER MANNING, by request of the Commissioners, appeared before the Board, and being interrogated, stated as follows:

The Chairman: Q.—What has been your experience in municipal life? A.—I was for some years mayor of Toronto, and I was an alderman eight or ten years; I was mayor twice.

Q.—You therefore have necessarily a knowledge of municipal matters such as we are considering now, from your position and from your dealings in real estate in the country? A.—Yes.

Q.—Looking at the list of officers that we have before us, what do you think is the best manner of appointing them? A.—For the city or for the country generally?

Q.—Take the city, if you make a distinction? Take the registrars and sheriffs? A.—Well, generally I might say that I think the municipalities have not as much control over the matters properly belonging to them as they ought to have, and I think the Legislature is too much pestered with all sorts of applications. I know in our own city we have to keep watching things the whole time in order that some legislation may not creep in that would be a serious injury to the public of the city.

Q.—Do you think the city council would manage things better if they were left in its hands? A.—Well, I don't know. I have often said that I wished the Legislature was removed fifty miles away from Toronto, because there are a great many applications for changes in the law.

Mr. ROBINSON: Q.—Speaking of the sheriff and registrar, would you take their appointment away from the Government? A.—My own opinion is that the appointment of the sheriff ought to be made by those who are conversant with the duties of the sheriff, I speak of the judges. I think the judges of the land are the best persons to select the sheriffs. They have to be at the courts all the time, and the judges have a very good idea of the efficiency or non-efficiency of those officers throughout the country. I think if the judges had control of that it would be far better. So far as the registrars are concerned, I think they ought to be under the municipality; if the municipalities are to receive the money from the registry offices I think they ought to have the control and direction of them. I think the councils of the different municipalities ought to appoint the registrars, I consider they ought to have the control of the registrars. They have to erect and maintain buildings suitable for the carrying on of the business, which is a very great expense, and I do not think the Legislature ought to bother with it, it should be left to the municipality to take care they get justice. If the registrars were appointed by the municipalities I think the best men would be appointed.

Q,—Would you have them appointed yearly, or for life on good behaviour? A.—On good behaviour.

Q.—How would you have them looked after, to see that they were doing their work in a uniform way? Each county might have its own way? A.—The Government of the country, which has an interest in the proper management of the institutions, ought to have inspectors to go round annually or oftener to see that the offices are properly conducted.

Q.—I do not think there is any inspection at present of the county officers; would you make a distinction as to the inspection of the registry offices as compared with other municipal offices? A.—It would not be supposed that the Government would appoint an inspector with regard to the duties performed by the other officers of the municipalities.

Q.—Why do you make a distinction between the registry office and the treasurer's and other offices? A.—Each municipality on a new election brings

new men that do not know anything about the conduct or management of a registry office, and if there is an inspector to go round and see to the proper conduct of these things there would be some ground of protection.

Q.—Does not that rather seem to argue that the registry offices are more of a public character, pertaining to the whole province at large, and not to the particular counties? A.—They do pertain to the particular counties sir: it is a provincial matter, the registry offices, and there is where I think the Government ought to have something to say to it, to see that they are properly conducted and on one general principle throughout, but where the money that is made goes to the municipality the municipality knows nothing about it. The officer may be a very fair officer, or otherwise.

Q.—Is there any reason for giving it to the municipality? Is there any reason for making anything out of the office at all, should it not be just self-supporting and not a means of revenue at all? A.—I would not allow any fees at all. The Government monopolizes too much in some instances. Take the city of Toronto, for instance, it is in a very unfortunate position in not having control of its own affairs. It ought to have control of its registry office and its licensing and every other duty that pertains to it. But when anything concerns the welfare of the whole country the Government ought to interfere, but I do not know any reason why the legislature of this country should have the control of the whole of the offices.

Q.—Unless they are provincial officers, pertaining to the Government of the whole country? A.—Of course the different officers you are speaking of are pertaining to the particular localities in which they are, and the only object in having those officers is for the purpose of having proper registration and fair charges made upon the people in the localities where the registry office is, that they should not be imposed upon. I would do away with these fees altogether and give the officers salaries, most decidedly. I do not see any reason why a registrar or sheriff should get large fees.

Q.—From what source would you pay the salaries of the registrars? A.—Well, from moneys that would be received for registration and searches.

Q.—You would have the fees charged for registration funded? A.—Yes, of course you must have something to pay officers for their services. When a man registers a deed or whatever it may be a certain charge is made, and out of the money so paid the registrar should get his salary.

Mr. Hobson: Q.—You are quite in favor of the men who receive the benefit being obliged to pay for it in fees? A.—Decidedly, you cannot do the business without it.

The Chairman: Q.—You would not make it a charge on the general revenue of the country? A.—Certainly not. I look on the condition of things as I find them. Take this province, the most important province in the Dominion, of course the Government ought to deal only with questions for the general government of the country at large, and not be bothered with crowds of people coming here all the time wanting to change the laws. There ought to be a different mode of dealing with that. I am not now speaking in favor of one party or the other. I am asked questions that I think in my judgment would be for the best interest of the community.

Q.—What advantage do you think would be gained by turning over the registry offices to the control of the county councils as compared with the present

system? A.—Well, I have not inquired very much into the present system, but I know in the city of Toronto there are two registry offices. I do not see why the city of Toronto should have been put to the expense of two registry offices.

Would not it take a double number of people to work the one office? A.—You can work a large office or a small office according to the business to be done.

Q.—But the public has to be served with reasonable expedition, they want their requirements attended to within a day or so after they make a requisition? A.—I see no reason if the municipalities appointed proper officers why the business should be taken away from them. There is no reason why there should be two registry offices, that I am aware of.

Q.—There is no reason why you could not work the registry offices of all the country from the city, that is done in Scotland from Edinburgh and in Ireland from Dublin? A.—That is very good there, but in an extended country like this where there are immense distances to go over it would be very inconvenient I think to do business in that way. I do not think such a thing could be done in a large country like this. My idea is to make every municipality take care of its own affairs. I do not think the city of Toronto ought to be interfered with in its own government, it should have it own charter.

The CHAIRMAN: Q.—Are you quite sure that the registration of lands is a municipal matter, or a county matter? Is it not a matter effecting the whole country, as to the way in which land is to be transferred? A.—But the House, the Legislature, makes the law regulating these things, and of course the municipalities have to be guided by them. They do it in the States; it seems to work very well there. What is the use of having a municipality at all if they have not something to do?

Q.—They are passing by-laws and all sorts of things? A.—There is not much of that throughout the country municipalities.

Q.—As to any of the others, apart from registrars and the sheriffs, whom you think ought to be appointed by the judges—speaking for myself, we do not desire to appoint them—but as to any other of the officers, do you think they can be appointed in any other way than they are at present with advantage? A.—I think the whole of these things ought to be under the direction of the courts, I think they are the proper authorities. Men that have to go before the courts and execute the orders of the court ought to be appointed by the court.

Q.—As to the manner of compensation, as to whether a fixed salary should be paid to these different officers whether they should collect fees, what do you say as to the sheriffs? A.—I think they should receive salaries in accordance with the business done in the different sections of the country. For instance, in the city of Toronto the sheriff has to do a large amount of business in connection with the different municipalities throughout the province and the sheriffs ought to get a good salary, but not any pay by fees. I know myself that some years ago the sheriff of this city was in a great deal of difficulty owing to previous speculation. There was a depression at the time, and the fees of his office would not give him a living because everything was so depressed. We have very bad times now, the sheriff should have made four times as much while the boom was on as he would to-day. If there is a large amount of business in a sheriff's district I think he ought to be paid accordingly. The sheriff of a city ought to have a large salary.

Q.—What limit would you place on it, what would you say should be the the minimum and maximum salaries for a sheriff? A.—I should say that in the city a sheriff ought to have five thousand dollars or six thousand dollars a year.

Q.—And in the counties? A.—Just in accordance with his work; four thousand dollars or three thousand dollars, or less in some of the country sections where there is little to be done, the salary should be correspondingly reduced.

Mr. Robinson: Q.—Would you give him as much as that for the city? A.—Well, it is a responsible office.

The Chairman: Q.—Do you think twelve hundred dollars a year is a fair salary for a sheriff? A.—Hardly, in counties where there are large towns, because he has to keep up the dignity of his office, and there are many things to be done in connection with it. Certainly a man cannot live on twelve hundred dollars a year as a sheriff, unless in sparsely settled counties.

Q.—If the fees fell short of that, as they do in some of the offices, they do not get eleven hundred dollars in some important counties? A.—Well, sir, there is where the mistake is, they should be fairly paid.

Q.—How would you make up the salaries of these men? A.—I would take it from the surplus of some of these other places. I am in error in this statement.

Q.—That is, you would draw from one municipality to pay for another? A.—No, sir; the Government in establishing new counties should regulate the amount to be paid as the duty to be performed will be small. No sheriff can perform the duties of his office on less than one thousand dollars a year even in the poorest place. It is an honorable office.

Q.—As to the registrars, what salary do you think they should receive? A.—Well, I should think four thousand dollars a year in cities.

Q.—In the city? A.—Yes, and in the country less.

Q.—Would you pay them higher or lower than the sheriff? A.—I would put them lower. You see, the duties of a sheriff are very extensive, he is all over doing services, but the registrar performs his duties right in his own office, he has not to go out of his office.

Q.—The sheriff has a larger variety of responsibilities? A.—Yes.

Q.—Then as to the payment of deputies, a good deal has been said about deputies not being sufficiently paid. How do you think they should be appointed and paid, the deputies in the offices of the registrars and sheriffs? A.—I think it would be well to let the registrar appoint his deputy.

Q.—And what do you say as to the sheriff? A.—The same, and make him responsible.

Q.—Well, he is responsible now? A.—Well, I would make them responsible all through for every servant, and let them appoint them, because it is no use of anybody outside that does not know the nature of the business to be done attempting to appoint people to do the work.

Q.—Would you fix the salary of the deputy, or would you leave that in the hands of the chief of the office? A.—No, I think the municipality ought to deal with the salary.

Q.—You think the chief should appoint the officer and the municipality should see that a reasonable amount is paid? A.—Yes; it would never do to let the registrar fix the salary, because he might pay a great deal more than the public would be satisfied with.

Mr. ROBINSON: Q.—You think it would serve the public interest if the deputy was paid better than you know them to be paid now? A.—Well, the deputy has to be paid according to the pay of the head, he is the second officer, and he ought to get a good salary, but the registrar himself should be responsible for the fitness of the man, and if he was not fit, dismiss him.

The CHAIRMAN: Q.—Would you say what proportion of salary the deputy should have as compared with the chief? A.—He should have half as much as the chief.

Mr ROBINSON: Q.—Do you say that also as to the sherriff? A.—No, the responsibility is greater with the sheriff.

The CHAIRMAN: Q.—You think his deputy should not have half so much? A.—I do not think so. It is a good deal like ones own business.

Q.—Would you apply business principles to it? A.—Yes; business principles altogether. If I had a deputy or a man under me I want to fix the rate of his pay, of course, that is in my own private business.

Mr. ROBINSON: Q.—But in the case of these officers, you would let them appoint the deputy and the Government see that he is fairly paid? A.—Yes. You never can have a satisfactory government in this province unless the municipalities have a fair share in the management of their own business, there will always be clashing.

The CHAIRMAN: Q.—Do you think as a rule municipal councils are inclined to pay fair salaries, are they not inclined to be a little stingy? A.—In some sections they are a little close, but still that will regulate itself, if a man does not get pay enough he will not stay.

Mr. ROBINSON: Q.—Would you preclude these different officers from attending to any ontside business? A.—Certainly, I would pay them a good salary and let them fill the position. It is an honorable position and they ought to be satisfied with it. I do not think they ought to be allowed to speculate.

Q.—I did not refer to speculation, but do you think they should be allowed to be engaged in any other business? A.—I think pretty generally throughout the country they are not in any other business.

The CHAIRMAN: Q.—Would you favor their being engaged in any other business? A.—No, if you can give them sufficient salary they ought to attend to that business only.

Mr. HOBSON: Q.—I suppose you think they would be likely to neglect their duties if they had private business? A.—Yes.

Q.—And the public would suffer accordingly? A.—Yes, the public would suffer.

Mr. MASON: Q.—I understood you to say that you would favor the judges appointing the officers connected with the administration of justice, commencing with the sheriff and going down? A.—Yes.

Q.—And you said that was because they had better opportunities of judging as to the fitness of the occupants of those offices? A.—Yes.

Q.—That might apply to the present occupants, but supposing it was necessary to make a change, how would the judges be in any better position then than anybody else? For instance, if the judges here were called upon to appoint a sheriff up in the county of Essex how would they arrive at a conclusion as to his fitness? A.—Well, I believe the judges are in the habit of visiting all those sections, and the sheriffs have to wait upon the judges, and the judges know pretty well the character of those men.

Q.—That refers to the present occupants, but assuming that a new man has to be appointed, where would the judges get the necessary information to enable them to judge the fitness of an applicant for the appointment? A.—Well, you might ask that question, how are they appointed now? With regard to their fitness? I think they are very often wholly unfit. You cannot get a better set of men than the judges. The judges are the best men we have got in the land, and they will take care that they get the best information with respect of those persons who attend them in the different sections of the country, that they will get the best men.

Q.—Then they would have to depend in a great measure upon information they would obtain? A.—But they are constantly going all over.

Q.—A judge does not know very much about a locality except as to the men with whom he actually comes in contact? A.—He knows how the business is discharged.

Q.—Yes, that is the man that is in the office, but in the case of a new appointment? A.—He would do the same as you would if you want to employ a person. The judges are very competent men, or they would not be in the positions they occupy, consequently the public would aid them if they wanted information. They would take very good care to know who is the best man.

Q.—You are in favor of the county councils appointing the registrar, have you any other reason except the one you gave, simply the question of patronage? A.—It is not patronage, because the money goes to the municipality.

Q.—But you simply say that you think the appointing power should lie with the county council, I did not understand you to give any other reason than that, you thought the Government was taking too much and the municipality too little? A.—I do not think municipalities have as much control of their affairs as they ought to have.

Q.—That is your reason then for the change? A.—Partly that, and also I think they are the best judges, and ought to be, and if they received the money they would take very good care to look after it I fancy, if there was not enough coming out of it.

Q.—So far as the registrars are concerned, do you know whether at the present time there is too much or too little going out of the offices to the counties? A.—That is something which I have not undertaken to look into. I speak only from my general observation. I have known a good many registrars through the country along in '57 when the crisis was here, several of the municipalities made a great deal of money with their registrars by exchanging the land in the time of the oil excitement, and then there was a great deal of speculation in 1856,

buying lands all over the country, and registrars made a good deal of money. Then again when the crisis came the registrars made very little, and some of them had speculated too much and got into difficulties.

Q.—Their getting into difficulties would not effect the position of the public, or the position so far as the county is concerned, would it? A.—Well, of course if they got into difficulties and did not pay the money that they received, and got behind in their accounts, it made a difference.

Mr. Hobson: Yes, we can speak feelingly in regard to that in our county, we have lost in that way ourselves, not our present registrar, but another one.

Mr. Mason: Q.—Why do you think there would be less danger of that if the appointment was made by the county council? A.—Because it is a matter pertaining to the county, and I think the council ought to be familiar, and they are; our own city council ought to comprehend everything for the interest and welfare of the city.

Q.—Are you aware that there have been more defalcations in the case of officers oppointed by the county authorities than in the case of these appointed by the Government in the last ten years? A.—That may have been, I cannot say. There may be neglect on the part of the municipalities. But I think where they pay for these things they ought to have the government and that there ought to be more confidence placed in these municipalities.

Q.—Do you approve of inspection by the Government? A.—Yes.

Q.—You have not sufficient confidence in an inspection by the local body, by the municipality? A.—No, but I think it would be less expensive. It would cost a good deal each municipality appointing an inspector. If there is one general inspector appointed by the province, let him go through and make a general inspection, and he would see at once whether things were working right.

Q.—Do you think there would be any possibility of conflict in view of the divided authority that would entail, the appointing power being in the hands of the municipal council and the inspecting power under the control of the Government? A.—I do not think so. Both governments now have inspectors of prisons.

Q.—Yes, but they appoint as well as inspect now? A.—That is a matter that does not belong to any municipality.

Q.—But supposing the inspector comes into an office and says to the official there, you are doing wrong, and the municipal council tells him, we do not care whether he does or not, what are they going to do, how are they going to get at him? A.—I think it could be so arranged that it would work all right. The Government could so arrange it that the moment a man is found to be a defaulter or deficient in attending to his business, they would have the right to dismiss him. If he is an improper man he should not be kept there. The general government has to do with the welfare of the whole province, and therefore in matters of this kind they must have supervision. But local matters ought to be in the hands of the people themselves. Take this city, for instance, we suffer a great deal in many matters. We ought to have the management of our affairs by having a charter for the city of Toronto. I applied for it many years ago but we cannot get it. If we had that we would not have to be running to the legislature every year as is the case now.

The CHAIRMAN: Q.—Could you have a beneficial government by a city council elected as it is now? Would it not be better to have power to appoint commissioners? A.—Yes, I quite agree with that, that is my idea. The city should have five commissioners, it would be the best thing that could happen the city of Toronto.

Q.—Does not that show that appointment or control by a small body such as a cabinet council, would be better than having it in the hands of a municipal council composed of thirty or forty persons? A.—There comes in the question of the general government. In many of these places you know there are matters peculiar to the locality itself of which they ought to have the control. We ought to have the power in Toronto of limiting the traffic on certain streets. You will find on King street with the trolley cars running all the time, teams coming up from the country blocking up the highway with a load of hay, and driving cattle through the streets. I have seen dead horses and everything carted along King street. The city ought to have power to restrict that as they have in cities on the other side.

Mr. ROBINSON: Q.—Would not the legislature give that power if they were asked? A.—I do not know.

Q.—But the city has the power to a certain extent? A.—No, it is the Queen's highway. For instance, there is Leader Lane, that was opened for the benefit of the Imperial Bank partly, and for the convenience of the people to go up and down. Now, we have made a roadway of it and teams go through it both ways, so that it is impossible for people to get up and down. I am interested in one side of that lane and I cannot do anything, I am utterly powerless. I asked the Engineer the other day what we should do. He said he thought the best thing was to make wide sidewalks, and narrow it so that only one team could go along it, and we ought to have the power to do things of that description.

Mr. ROBINSON: Q.—Is there anything else which suggests itself to your mind in regard to which we have not asked you? A.—No.

DONALD B. MACLENNAN, Q.C., by request of the Commissioners appeared before the Board, and being interrogated, stated as follows:

The CHAIRMAN: Q.—How long have you been in this county? A.—Thirty years.

Q.—What is the population? A.—The population of the three counties, Stormont, Dundas and Glengarry is about sixty thousand.

Q.—They are united for municipal purposes? A.—Yes, and for the purpose of the administration of justice They are divided for registration purposes into three separate districts. There is a registry office in each county.

Q.—Do you know the population of each county? A.—Stormont has the largest; and Dundas about the same as Glengarry.

Q.—Under twenty? A.—I think so; with the exception of Stormont, which has the town of Cornwall in it.

Q.—Have you been connected with any of these offices we have before us? A.—Not in any respect.

Q.—You have not been county attorney? A.—No.

Q.—Nor clerk of the peace? A.—No. I was, however, crown prosecutor for twelve or fifteen years, up to the spring of 1893.

Q.—Have you been connected with any of the municipal offices? A.—No.

Q.—You, of course, have experience both of municipal offices and of these other offices during your practice? A.—Yes, a good deal. Municipal law comes continually before us here in town.

Q.—I thought you were occupying some official position now—county attorney? A.—No. My brother was county attorney up to his death, twenty years ago, and now Mr. Dingwall is county attorney.

Q.—Mr. Bethune was county attorney in his time here? A.—Yes.

Q.—As to the manner of appointing. Do you know how they are at present—the appointments? A.—Yes.

Q.—Do you suggest any change? A.—I think the present manner of appointment is the best for all the officers. The system of appointment by election I think has several disadvantages.

Q.—Mention what? A.—One disadvantage would be that it would impair the Government supervision over these offices In order to make Government supervision effective, the Government would require to have the power of appointment and dismissal. Another disadvantage which strikes me as being very serious is that the expense of these offices would be enormously increased. First, there would be the official expense of every election—assuming an election every four or five years; and then there would be the personal election expenses of the candidate, which must really form an element in fixing the remuneration. My attention was called to that last summer by hearing something about a barrister who has been for many years Police Justice in the city of Detroit. He receives a salary of five thousand dollars a year, and every year he sets apart one thousand dollars of that to meet his election expenses.

Q.—The assessment of the candidate? A.—No; that is his own private matter; the expenses that he incurs himself. So that the effect of that would seem to be that the city has a four thousand dollar man to perform the duty, but pays him five thousand dollars, And that is outside of the official expenses, which of course are not so great. Take this county. The expense of the election of the sheriff would be very considerable. The necessary and proper personal expense of the candidate would probably be three thousand dollars, considering the extent of territory and the amount of population. Assuming the salary of the sheriff to be two thousand dollars, then he would require to receive $2,700 or $2,800. Probably this may seem a little exaggerated; but probably something else would be taken into consideration, namely, a proportion of the expenses of the defeated candidate; because no person who is fit for one of these offices would run the risk of being a candidate and being defeated unless the salary was a sufficient object to render it worth his while to risk an election. Of course, if the election were of an officer who held office, as now, for life or good behavior, these objections would not be so great, But if the officers are thus elected, that deprives the system of the elective character to a great extent. It becomes a mere system of appointment.

Q.—If the election were given in that way, do you think that the agitation for an elective system would be satisfied with that? Would they not want a recurrence to the system of short terms? Would not that be the almost inevitable consequence of the elective system? A.—I think so; and if there were not an election at short periods, the system would be deprived of all the advantages that are claimed for the elective system—the incentive to an officer to perform his duties well, and so on.

Mr. ROBINSON: Q.—Generally the candidates in the United States are assessed for the privilege of running? A.—Yes; but that would be a small thing in proportion to the expenses I have referred to.

The CHAIRMAN: In the large cities the amount is very large.

Mr. ROBINSON: $6,500, I see the Chief Justice of New York had to pay for the privilege of nomination by the caucus.

The CHAIRMAN: Q.—Then what do you think of the council making the appointment, instead of election by the public? A.—That would be a slight remove from the system of popular election. It would not be much better.

Q.—What number of members are there in your county council? A.—Forty-five or forty-six.

Q.—That would really be a small election in their number, if you got so large a body as that? A.—Really a small election in their number. I think popular election would be better than election by the council; because on the whole you would have the opinion of a large number; I do not think that the election by the county councils would be much guarantee of the effiency of the appointee.

Mr. ROBINSON: Still, you might have less control over the man when elected? A.—Less control. I think so.

The CHAIRMAN: Q.—Then as to the Division Court clerks and bailiffs. Has there been any complaint here concerning the way in which they do their work—or do not do it? A.—There are some complaints occasionally; but, taking the large number of these officials that we have in this county, I think the complaints are comparatively trifling,

Q.—Do you think their appointments could safely be left to the county councils? A.—I do not think so. They are the particular officers in regard to whom the Government control is so useful; because, while a great majority of them perform their duties very well, in the case of some we have frequent occasion to apply to the Government.

Q.—You refer to government inspection of the office? A.—We have to call the attention of the Government to the non-performance of their duties, and generally this is attended with good results.

Q.—A government inspection is essential to all these offices, in order to have uniformity? A.—Uniformity and diligence,

Q.—And you think with a government inspection it is better that the Government should appoint? A.—Yes; I think the Government should have the power of appointment to these offices.

Q.—The second general line of inquiry is as to the way in which these officers should be paid. I suppose there has not been any question that fees

should be collected for the different services. The question is how these fees should be applied to compensate the different officers; whether the officer should take all, or a portion; or how the fees should be dealt with? A.—In reference to the judge of the Surrogate Court and the local master of the High Court, these offices being generally filled by the same person, he is generally the county judge, the surrogate judge is paid by fees for his services and these fees are graduated according to the amount of the estate and the number of sittings, that I think is very objectionable. I think he ought to be paid by salary. In some cases there has been commutation and the judges are paid by salary.

Q.—Where the officer is paid by fees he has an incentive to prolong the work? A.—It causes considerable friction, sometimes between the local master and the practitioners.

Q.—You enunciate the principle that all judicial officers should be paid by salary and not by fees? A.—Certainly. It is a very unseemly thing that a man sitting in a judicial capacity on a case should be placed in the position of receiving fees as a portion of his remuneration.

Q.—Would your remark apply to county attorneys and clerks of the peace' as to salary? A.—No; I think not.

Q.—It has been said by some persons that there is an incentive to prosecute matters which might better have been left alone. That may not obtain in this county; but it is said that that is a blemish, and that the office is open to that suspicion? A.—There is an incentive.

Q.—An honest man would not do that; but the question is whether, for county attorney or clerk of the peace, a salary is preferable to fees? A.—So far as my experience goes of the county attorney here and the county attorneys whom I have met in a business way where I have been prosecuting as crown counsel, I do not think that that objection prevails to any great extent.

Q.—You were going to speak of some office after you had referred to these judicial officers? A.—In regard to the sheriff, the registrar of deeds, and I think all the other officers, I think it would be a great mistake to pay them by salary. In regard to the sheriff particularly, it would seem to be almost out of the question that there should be any change made, without entirely impairing the efficiency of the sheriff's office, as a means of collecting debts.

Q.—If the fees went up to a large amount, would you then say that the officer should collect all? A.—I think there should be a fixed amount. There should be a maximum salary for the sheriff. I do not think, of course, in many places that applies.

Q.—Perhaps with your sheriff it does not? A.—I think that nearly all the sheriffs, except those in the cities, are under-paid. There is no doubt that sheriffs are under-paid, except in the cities.

Q.—What would you think a fair remuneration for sheriffs throughout the counties? A.—I think the sheriffs should be paid two thousand dollars at least.

Q.—Well, I think that is the new Act; that sheriffs begin to fund over two thousand dollars. Up to two thousand dollars for their own use? A.—Yes.

Q.—Do you think that that is a fair salary for sheriffs out of the fees, two thousand dollars? A.—Yes; I think so. That is, the net salary after paying all expenses and after paying the deputy. I propose two thousand dollars as applicable to the smaller counties. It should be higher in others.

Q.—That is for his own use? A.—Yes.

Q.—Then as to registrars what limit would you fix? A.—I think that might be graded to some extent according to the work; from fifteen hundred dollars to seventeen or eighteen hundred dollars, up to two thousand dollars, would be a very fair remuneration.

Q.—Do you favor the system that at present obtains, by which the officer receives the fees up to a certain amount, and then pays in the surplus, less a percentage? A.—Yes. I think that the registrar ought to receive the full amount of his fees up to two thousand dollars. There is a great deal of risk and responsibility in the registry office. The registrar gives an abstract, and is responsible for the truth of it.

Q.—What do you say, then, as to getting a percentage on the amount above that sum; do you favor that? A. Yes; I think that is the proper system.

Q.—Would you have a sliding scale, with percentages, or one fixed percentage? A.—A sliding scale; for instance, from two thousand dollars to three thousand dollars the percentage should be very much greater than from five thousand to seven thousand.

Q.—That is the present system. It is said that that is not satisfactory to the people generally; that they do not understand how the system works and what the official is really getting, and that it would be better to have something fixed, some fixed percentage? A.—I think that is wrong; because the amount of money that is earned in the registrar's office should be a factor in fixing his remuneration; the greater the amount of money that is earned the greater is his responsibility, his liability to be called on to account for a mistake.

Mr. Mason: Q. It has been said that the responsibility does not increase any more than the percentage that he would get; for instance, if he got two hundred dollars extra the surplus would meet the extra responsibility? A.—In my opinion the risk that he runs for what he receives over two thousand dollars is just as great as under that sum, and he receives less remuneration to cover it.

Mr. Mason: Q.—But assuming that he receives ten per cent. of all his surplus, the more he receives the more he gets. What reason have you for thinking that because he gets four hundred dollars of surplus that he is to have a greater share of that relatively than if he only got two hundred dollars surplus? A.—No; it is just the other way, the higher the income runs the greater is the reduction on what the officer receives; still his risk is the same relatively. Illustrate it in this way: A registrar receives two thousand dollars, and gets that entirely for his own benefit; he receives two thousand more, and get for his own use only a certain proportion of that; yet the risk he runs in regard to the work represented in the second two thousand dollars is just as great as that represented by the first two thousand dollars.

Q.—But a portion of it would be considered as work, labor, and not responsibility? A.—Yes.

The CHAIRMAN: Q. It has been said to the Commissioners that the farmers do not understand the sliding scale; that if they knew that the salary was so much, and then a fixed percentage above that, it would be plainer, but that they do not understand it? A.—That objection is, of course, purely a question of educating the farmers to understand what is right; it does not affect the justice of the question.

Mr. ROBINSON: Q.—In the interest of the public, would it be better to have the registrars legal men? Is their office one that requires legal attainments? A.—I do not think so. We have extremely efficient registrars in these united counties. Two of them are new to the duties, but they perform their duties remarkably well.

The CHAIRMAN: Q.—Instead of having a surplus, would you favor a reduction of the fees from the registry offices? Should there be a suplus through this service? Are the people who register deeds to help to supply the general revenue for the whole country? A.—No, I should think not.

Q.—Then if you get the fees so as to make the office self-supporting, and provide for wear and tear and outlay, you might safely draw the line there, if you could do it? A.—I think so. Clearly. The great difficulty about that would be to carry out that system.

Q.—The only way would be to have the whole registry system under one management throughout the country, and fund the fees of the whole? A.—That would be the only way.

Q.—That would involve a change of plan, although keeping the system substantially the same? A.—Yes.

Q.—Have you any other observations to make concerning this matter, on points that we have not asked about? License commissioners, for instance. Some gentlemen have spoken of the desirability of having a change in the matter of license commissioners and inspectors? A.—I think that possibly it might be as well to appoint them by the county council.

The CHAIRMAN: Q.—They were so appointed, and then the change was made to the present system.

Mr. BROOKS: Was not it found to be very unsatisfactory under the old system?

WITNESS: There were some objections to it. I do not know that on the whole it was unsatisfactory.

Mr. MASON: Q.—Did not the councils ask to be relieved of the duty? A.—I have not heard of any. At the same time, I do not think there is much reason for making any change. Nor do I think there was much reason for making the change the other way.

The CHAIRMAN: Q.—Being as it is, you would not disturb it? A.—Being as it is, I would not disturb it.

Mr. MASON: Q.—It would be considered that there was more necessity for a change in the cities than in the rural municipalities? A.—I suppose so.

Mr. ROBINSON: Q.—Touching the compensation of the deputy sheriffs and the deputy registrars, would you have them under the control of the chiefs or the Government? A.—I think they ought to be appointed by the chiefs.

Q.—And paid, as now, by the chiefs? A.—And paid, as now, by the chiefs

The CHAIRMAN: Q.—Would you leave it entirely in the hands of the chief as to remuneration, or leave that subject to the inspection? A.—I do not think I would have that subject to the inspection.

Q.—Let the chief make the best bargain he could? A.—Let the chief make the best bargain he could.

Q.—Has there been any complaint in your counties as to this whole subject? A.—Not very much.

Q.—There is no crying grievance? A.—There is not; no, not at all.

The CHAIRMAN: Then we will not detain you any longer, Mr. Maclennan.

THOMAS MACDONALD, by request of the Commissioners, appeared betore the Board, and, being interrogated, stated as follows:

The CHAIRMAN: Q.—You are the registrar of Dundas? A.—Yes.

Q.—What is the population of that county; that separate county? A.—It is a small county, having about 4,500 voters. The population would be about 20,000.

Q.—Have you been in any municipal office apart from that of registrar? A.—Yes; I have been reeve of Morrisburg and warden of the united counties.

Q.—And have lived in this county? A.—I was born in the county of Dundas fifty-five years ago.

Q.—Have you seen a list of those officers that we are considering? A.—I saw it this morning for the first time.

Q.—Have you any opinion as to the way in which they should be appointed, or any of them? A.—I have glanced over it this morning. From my knowledge of the manner in which the several officers have discharged the duties devolving upon them respectively, I cannot at the moment arrive at any definite conclusion which would justify me in saying that there should be any departure from the present system of appointment.

Q.—So far as you can judge, then, there is no reason to be dissatisfied with the manner of appointment? A.—None whatever.

Q.—And you would not advocate any change? A.—No, sir; not in the manner of appointment.

Q.—Then as to the method of compensation, which is the next general question; what do you say as to any of those offices? A.—I am a registrar of deeds myself, and am paid by fees; I look upon the fee system as being the only true and correct system to be adhered to in the payment of the duties devolving upon the registrars, the Government, of course, having it in its power to increase or diminish the fees as required by the people through their representatives; in view of this fact, I do not think that there should be any change in that respect.

Q.—What is the cost of living in the place where you live—a man with a family living in the position of registrar, or sheriff, or any of these officers who represent responsibility, and living in the way in which they are required to live? A.—If you take into account the cost of living in the village of Morrisburg, in-

cluding the responsibility of the registrar, and other expenses connected with it, including the deputy's salary, etc., there is no sum less than $2,000 would compensate a man for such services.

Q.—But take the expense of living—a man with say five or six in the family—what would be the cost of living? A.—About twelve hundred dollars a year.

Q.—Then you were going on to speak of some of the other officers? A.—I said in regard to the local masters, already their fees are in such a position that they may be changed to a salary at any time by the Legislature, by commuting the fees every five years, the salary not to exceed the amount of fees commuted. They stand to-day as being in the position of their being paid by salary or fees at the wish of the Government. The same remarks apply to the deputy clerk of the Crown, and I believe the system is one to be highly commended and should not be departed from except for good and tangible reasons. As to the sheriffs, I think that the fee system in that respect is the only true system. Those who require the services of the sheriff should pay for those services; and those who are not benefitted at all by the use of a sheriff for the collection of a debt, should not be called upon to pay one cent towards the expense of the collection of a debt between one man and another except the parties to the suit.

Q.—Where would you draw the line between the fees he receives that he takes to himself and those that he accounts for; what do you say that the sheriff should get? A.—Well, sir, I am of the opinion that no sheriff, entrusted with the responsibility of the collection of debts in addition to his other duties can fulfil those duties justly and honorably, and furnish satisfactory bonds and security for their fulfilment for a less sum than between $3,000 and $3,500. I do not know of any Government appointment to-day more responsible than that of the sheriff; and I think he should be amply paid for his services, and believe his payment by fees is the right system as it is paid by one or both of the parties who employed him.

Q.—Of course, you have one sheriff for the three counties; you are speaking of that? A.—Yes; I am speaking of one sheriff for the three counties. We have three registrars and one sheriff, and I think that the sheriff of the three counties should not get less than from $3,000 to $3,500.

Q.—How long have you had the three registry offices in those counties? A.—I think for over 45 years. 40 or 45 years.

Q.—Were there three from the beginning of the establishment of registry offices? A.—No. They were divided as the population increased. There was one registry office years ago in Cornwall, for the three united counties

Q.—Then do you think it is a good thing to sub-divide; when one county increases in population do you think it is a good thing to sub-divide the office, or to make a central office for the whole? A.—I think it is necessary that a subdivision should take place: as the Legislature has seen fit to amend its laws so as to make it imperative upon registrars to be particular in the registration of deeds. One office located in Cornwall would be subjected to a great amount of expense in locating properties. Now, we have to register according to the different plans filed, and sometimes documents are prepared by inexperienced persons and by those who do not exercise sufficient care in preparation; and if registrars register a document contrary to law they are liable for wrong doing in the event of any loss arising therefrom.

Q.—But looking at it from the point of view of the public? A.—I think it is an advantage to have a sub-division of the office.

Q.—More convenient for the people frequenting the office? A.—Yes.

Q.—They can go and make searches instead of employing lawyers? A.—Yes.

Q.—What do you say about the compensation of any of the other officers? A.—The clerk of the County Court is paid solely by fees. I think that is the proper way.

Q.—Not much doing in that Court now? A.—No; he occupies the position of deputy clerk of the Crown also; and his fees can be commuted by the Lieutenant-Governor, if it is thought desirable to do so; taking the five years' fees previous as the standard. So that I do not see any necessity to make any change in that direction.

Q.—And the others? A.—The others—registrars of Surrogate Courts, county attorneys and clerks of the peace. Some of these are paid in part by the council and balance from the consolidated revenue and seems to work well.

Q.—Have they commuted in this county? A.—No. People have been well satisfied with the services rendered by the clerk of the peace and other officials. I do not know that there has been any clamors made against the present mode of payment and always believe in letting well enough alone.

Q.—Division Court clerks and bailiffs. How many Division Courts are there in these counties? A.—There must be twelve in the three counties.

Q.—Do you think that these clerks and bailiffs could be appointed properly or safely, or effectively by the municipal councils, in the large counties, subject to Government inspection? Do you think their duties are such that the county councils should make the appointment? A.—I do not think that the county council could make a satisfactory appointment.

Q.—Why? A.—Because competition would naturally exist in the different localities in regard to their appointment; and the result would be to place men in offices that they were not able to fill properly, and for which they were not qualified.

Q.—Do you think that the local pressure would be so great that the county councils could not resist it? A.—Yes. It requires men who have some idea of general business to fulfil those duties. They require some knowledge of the business they undertake to transact.

Mr. Brooks: Q.—What would be your objections to their being elected by the people? A.—Well, sir, were there a board established by the Government, and if every man who was a candidate for any of those positions were subjected to a rigorous examination by this board and required to obtain a certificate of qualification before being eligible as a candidate; and if the voting were restricted to a large assessment, thus putting the election in the hands of those who were most likely to do business with the office, there might be some grounds for advocating the system of election.

The Chairman: Q.—You would confine it to the voters who were financially interested in the affairs of the county? A.—Financially interested in the affairs of the county.

Q.—And the officers chosen from a qualified set of candidates? A.—Chosen from a qualified set of candidates: no one accepted as a candidate who was not duly qualified to fill the position and has served a period of time in those duties.

Mr. BROOKS: Q.—Then the question of cost? A.—Taking into consideration the cost, the expense would be very great, and it would entirely do away with the advantages derived from the election, if any. I am not in favor of the public election of those officers. I am only speaking of what might be forced upon the people in the event of a popular election being deemed the best thing to adopt.

Mr. MASON: Q.—You think that a popular election would result in the most popular men personally being appointed, but not the most qualified? A.—Not the most qualified.

The CHAIRMAN: Q.—Have you had any experience of the system as it works in the United States? A.—I have read something about it, and have had some business to transact with some registrars in the United States, and have found them very unsatisfactory.

Q.—Do you think that is attributable to the principle of the popular election of the officers, or to the system being very bad? A.—Attributable to the election of men not qualified for their duty.

Mr. ROBINSON: Q.—Was this the state of New York? A.—Yes, sir.

The CHAIRMAN: Q.—Is there any other matter that you wish to speak of? You seem to have considered the subject pretty maturely. You may have some other suggestions to make? A.—I have nothing more to add, except to say that the majority of those officers named are simply persons appointed by the Government to do the business of the people in the locality in which they reside, and none of them should be paid out of the consolidated revenue. They should all be paid by the people who employ them and who require their services. I might further say that only a small percentage of the people avail themselves of the advantages of many of these offices and them perhaps only once or twice in a life time and exclusively for their own benefit, and taxing the entire community for the maintenance and salary of the officials would certainly be a step in the wrong direction.

Q.—I will ask you about appointment by the county council. Generally speaking, what objections would you have to that? I suppose you object to it, from what you have said. On what ground would your objections rest? Simply as to Division Court Clerks? A.—I think it would create a needless amount of trouble, and would be very little better than popular election—not as good as popular election on the basis which I suggested. Incompetent men would as a rule be appointed to fill the offices.

Q.—It would be a change for the worse from the present system? A.—A change for the worse, yes.

C. J. HAMILTON, by request of the Commissioners appeared before the Board, and being interrogated, stated as follows:

Q.—You are the mayor of Cornwall? A.—Yes.

Q.—Have you lived long in this county? A.—Fifteen years.

Q.—What is the population of Stormont? A.—I think it is about 21,000.

Q.—And Glengarry is about 20,000? A.—About the same.

Q.—What opinion have you formed in regard to the manner of appointing these officers that we are discussing? A.—Some of these officers I am not thoroughly qualified to speak about.

Q.—Then speak of the ones you know of? A.—My idea is that officials who are utilized for the business of individuals should be paid by the people who employ them; That is, registrars of deeds, and those transacting business where just the parties interested are called upon to pay.

Q.—That is very much the present system? A.—Yes.

Q.—The persons who call for the services of the officer are required to pay. It is suggested that the officers should be either elected by the people or appointed by the county councils. Would you favor either of these plans? A.—No. I would prefer having those officers who are at present appointed by the Government, and who are paid by the Government, still appointed in that way.

Q.—You would make no change in the present system? A.—No.

Q.—Why do you think that election would not work as well as the present system? A.—I don't think you would get as thoroughly qualified officials. A man might be elected on his personal popularity, irrespective of fitness to perform the duties. Further than that, it would necessitate changing the officials; and I do not think that is desirable; that is, if there were repeated elections; I would not favor that at all, because the qualified and good men would be apt to remain away.

Q.—If the election were for life or during good behaviour, that might meet one objection? A.—No; I would prefer having it in the hands of the Government.

Q.—Then as to the county council appointing? A.—There might be something in county councils appointing the officials they are called upon to pay.

Q.—That is, the treasurer and the clerk. They do so now. Would you have them appoint registrars of deeds? A.—No.

Q.—Or sheriffs? A.—Decidedly not.

Q.—Division Court clerks or bailiffs? A.—No, I don't think so either. I would not have county councils appoint Division Court clerks or bailiffs, or any county officials of that nature. The only ones that I think they might have the power of appointing would be jailors.

Q.—Then you would have to relieve the sheriff of some responsibility too. He is responsible for the custody of the jail? A.—He was before when the county councils appointed. That is the only change I would make.

Q.—I don't think that the county councils appointed the jailor at any time? A.—They recommended him and the Government confirmed. I had experience in a couple of these cases in the west, under the present administration; but I think as things are now, take them as a whole, they seem to be very satisfactory. I would be thoroughly opposed to the appointment of officers so that the public at large would have the say; because I do not believe that those officials should be elected by the public vote. So long as a man thoroughly performs his duty, to the satisfaction of the Department, he should be allowed to remain where he is. In my opinion no benefit would result from any change.

Mr. Brooks: Q.—Should he be allowed to remain longer than he is able to perform his duties? A.—No. When he is incapacitated for his duty, then I think he should leave the place.

Mr. Robinson: Q.—You believe that these officials should be working heads? A.—I believe that they should be working heads. We have to do it in our business.

Q.—Would you allow them to go into any other occupation during the tenure of their office? A.—Not a man who got a sufficient salary to maintain him.

The Chairman: Q.—What do you say as to the length of the working-day? A.—My experience is that although it is assumed that they have certain limited working hours yet they can be got at any reasonable time. I have never heard any complaint, during the fifteen years I have been here, of any officer not being on time, not being able to do his duties. On the contrary, they are always ready.

Mr. Robinson: Q.—Particularly if they are paid by fees? A.—Some of them who are not paid by fees are on time too.

JOHN A. CHISOLM, by request of the Commissioners, appeared before the Board, and being interrogated, stated as follows:

The Chairman: Q.—Do you live in Cornwall? A—Yes.

Q.—How many years have you been auditor? A.—Three years.

Q.—What is your calling apart from that? A.—I am a barrister.

Q.—And have you been employed by the council to do any other work than this auditing of accounts? No, sir; I have not.

Q.—We have heard, and I suppose it is the fact—you can tell us—that associated with you there is a chartered accountant? A.—Mr. A. H. Plimsoll, chartered accountant, of Montreal. I might say, in regard to your previous question that up to about eight years ago the council of those counties had been in the habit of getting local men to audit their accounts. One of these men was an insurance agent and was supposed to be an experienced man in the matter of accounts, and he is. They audited the accounts for years, with the result that about eight years ago it was found that the treasurer had got away with something like fifteen thousand dollars of the money of the counties. This was discovered by Mr. Plimsoll,who had been employed by the council to audit the treasurer's accounts, and the council then decided, as I understand it, to employ and afterwards employed, an experienced chartered accountant to audit the books. I have noticed this since I have been here: that each year new councillors coming in from the various townships are opposed to this system at first. They say it is a very strange thing that local men from our town and counties cannot be found to audit the accounts; that is the objection raised to Mr. Plimsoll occasionally. But these objections have always been voted down, and Mr. Plimsoll has always been appointed. I have also observed this; that there is not one of these objecting councillors who is not in favor of a chartered accountant after being in the council a year. Perhaps by that time they have a better idea of the work the treasurer has to do and the amount of money he has to handle. The salary of the auditors is fixed by the county council.

Q.—How much do you get? A.—We get fifty dollars each and necessary stationery and postage.

Q.—Mr. Plimsoll too? A.—Yes. Some years ago the auditors were paid at least one hundred dollars each.

Q.—How long does it take Mr. Plimsoll to do the work? A—The system we use is this: Mr. Mattice, the treasurer, as I understand this audit, to oblige us—merely to oblige us—prepares his detailed statement————————

Mr. MASON: That is his duty. It is not courtesy.

WITNESS: He was thinking, anyway, perhaps we were bound to do it, but, be that as it may, he has always done it. Mr. Plimsoll comes up from Montreal here at least twice a year. I have first gone over the cash account and the books very carefully and I do so twice a year. Mr. Plimsoll can do the work in a much shorter time than I can. He and I together go over the cash statement and all statements and the books very carefully. It takes me from ten days to two weeks to go over Mr. Mattice's statement. It will take Mr. Plimsoll a much shorter time. In addition to that, we have to pass the school accounts. I first audit these accounts myself here, and send the statements and accounts down to Mr. Plimsoll to check over.

Mr. ROBINSON: Q.—You get extra pay for that? A.—No, sir, we do not.

Q.—In the gross, what sum do you turn over? A.—If I had some of the statements I could tell you in a minute; but I would not want to say definitely without them.

The CHAIRMAN: Q.—As to the school accounts, the work would be easily confined within a week, for each county? A.—No, I think not; because in the school accounts we have to be very particular in going over the vouchers. School treasurers often do not send in proper vouchers, and it takes time to get proper vouchers made. Besides, these accounts do not all come in regularly on a given date, and about a month usually passes before all the accounts are in to be audited. If the reeve or any of the officers from Kenyon will come here, they will also tell you that they have had difficulty with their late treasurer in respect to township money which has not been properly accounted for. Local auditors were employed.

Q.—You think that it would be a safeguard to have at least one chartered accountant in the board of audit? A.—I have had some experience, and I would certainly decline to act if there were not an experienced accountant with me. I believe that an experienced accountant should be employed.

Mr. MASON: Q.—You have gathered that from acting with him? A.—I have.

Mr. ROBINSON: Q.—The deficiency you speak of covered several years? A.—Yes.

The CHAIRMAN: Q.—The board of audit were composed of farmers and storekeepers? A.—One was a farmer and the other lived in town.

Q.—What was the nature of the deficiency? A.—The treasurer did not enter all his receipts; that is, did not enter them properly. He had cheques and vouchers for all his disbursements, but the auditors did not properly check his receipts.

DUNCAN ANDERSON, by request of the Commissioners, appeared before the Board, and being interrogated, stated as follows:

The CHAIRMAN: Q.—You are from the county of Simcoe; you have a large county council there? A.—Yes, 55 members.

Q.—Do you approve of that body appointing or nominating these officers? A.—Not at all.

Q.—What do you favor? A.—The people to elect all county officials.

Q.—As to all the officers? A.—Well, I am not sure about Division Court clerks and bailifis, I haven't given them much thought, but all county officials such as registrar, sheriff, county attorney, clerk of the peace, local master, county court clerk.

Q.—Have you filled any position in the municipality? A.—Yes; I have been one of the deputy reeves for upwards of five years.

Q.—Do you think your council is too large? A.—Undoubtedly; it is unwieldy and causes too large committees.

Q.—With such a large body you cannot get through work? A.—Not as speedly as if the county council was a smaller body.

Q.—And that would be the danger if the appointments were made by the county council, there would be great danger of having party lines drawn, would there not? A.—Yes; from what offices I have seen filled there that has been the result.

Q.—Do you think the position of county crown attorney is one that should be filled by popular election? A.—I think so, both the county crown attorney and the clerk of the peace.

Q.—They are both filled by one man now? A.—Yes; and he holds two other offices, and there is quite a strong feeling about his getting too much salary.

Q.—Too many offices in one man? A.—No, he appears to discharge the duties quite well without very much help, but he is getting too much salary; I think in 1892 he got about $3,600.

Q.—Why do you favor the people electing the officers in this way? A.—Well, all these officers are public servants, and the public ought to deal with them. I do not think the people would make much of a mistake in electing them, even in our municipal councils they generally make a very good choice of men.

Q.—What do you say as to the manner of compensating these officers? A.—I would give them enough to live upon and have all the fees go to the county treasurer. Our registrar gets $8,000, and at the present time only a little over $2,000 of that goes into the municipal treasury; that leaves $6,000 for one office, which is too much. I think $3,500 would pay him and all his subordinates, and the balance should go to the treasurer with the other $2,000. I would keep the fees of every county separate.

Q.—Of course it is not the county that pays that money, but the individuals who pay for registering their deeds? A.—Yes; but the county has to keep up the buildings. I would favor all the fees going into the county treasury, and then paying the officials a fair salary, and if they were getting a fair salary I would not allow them to engage in any other occupation.

Q.—How would you have the offices inspected? A.—By a Government inspector, and he to bring down a yearly report to Legislative Assembly.

Q.—Then would you agree with the other gentleman in case of a contested election to have that determined by the courts? A.—Yes; and a new election in case of a vacancy. I do not think the cost would be great. The cost of the plebiscite vote was not very heavy, and it could be done in some such way as that.

Mr. HOBSON: Q.—But in case of a vacancy occurring a short time after the January election, and where there are such a number of officers it is only reasonable to think that would occur occasionally? A.—The deputy could fill it as he fills it now, or the board could fill the vacancy until the election came on. That is merely a question of detail.

The CHAIRMAN: Q.—Your system aims at increasing the efficiency of the officers and effecting greater economy at the same time in the application of the money? A.—That is it. I think there is great room for economy. I think there should be a tariff of fees hung up in a conspicuous place in county officials' office.

Q.—Have you any occasion to complain of any of the officers promoting litigation for the purpose of increasing their fees? A.—No; I have never heard of anything of that kind.

C. A. MALLORY, by request of the Commissioners, appeared before the Board, and being interrogated, stated as follows:

The CHAIRMAN: Q.—You have had a list of the questions, Mr. Mallory? A.—Yes; but I have had but little chance to look at them.

Q.—I suppose your attention has been called to the matter before in a general way. Perhaps you will tell us what municipal offices you have filled? A.—I was reeve for many years and warden in the counties of Northumberland and Durham.

Q.—And you have come in contact more or less with this class of officers during your experience? A.—Yes.

Q.—Then take them in the order in which they are given here, registrars of deeds, what do you say as to the way in which they should be appointed? A.—In my opinion they should be elected by the people.

Q.—That is, the same as the councils are elected; would you have the elections at the same time? A.—It might be at the same time or otherwise. That involves another question, as to the tenure of offices. I do not favor their election for a stated term. I think they should be elected to hold office during proficiency or good behavior.

Q.—Then, if elected by the people, that would of course be on a majority of votes? A.—Yes.

Q.—If there was a dispute as to who was really elected, what means would you take for ascertaining who was the man elected? Suppose the charge was made of bribery or corruption, how would you arrange for determining the right man? A.—I suppose provision could be made for a recount or a trial, such as prevails in other elections.

Q.—And if the election was set aside, it would have to be submitted for another election? A.—Yes.

Q.—You say you would have the man elected hold the office during good behavior. If he missbehaved himself by drinking or in any other way, how would you provide for dismissing him? A.—My idea is that there should be a board provided for by statute to try cases of that kind.

Q.—Of the municipality? A.—I would say, speaking at the moment, a board consisting of the county judge, the warden and some other officer; some such court as that to try cases of complaint from the inspector.

Q.—By that you mean the Government inspector? A.—Yes.

Q.—And if a complaint was proved of such a character as resulted in the dismissal of the officer by the court so constituted, his successor would be elected by the people whenever that happened? A.—Yes.

Q.—Under what inspection would you place him? A.—Government inspection, such as prevails now.

Q.—So the electors would appoint and the Government inspect? A.—Yes.

Q.—Would you favor in the same way the election of the county treasurer? A.—I do not know that I would; the treasurer is rather the servant of the county council, so to speak, than of the people. Although he controls the people's funds the county council has the management of the funds. In fact I have never thought of that matter in connection with it, but at the first blush I would say the county council was the proper power to manage him.

Q.—Why do you make that distinction? If the people are the supreme source of power, why should not they have the selection of one officer as well as the other? Why should the council step in between the people and the officer? A.—The registrar serves the people generally directly. The county treasurer is the servant of the county council. That is how I see it.

Q.—What provision would you make in counties where they are divided and there are two registry offices and two registrars? A.—He would be elected by the constituency he serves.

Q.—That would be the electoral district for the registrar? A.—Yes.

Q.—I think that is the plan followed in the United States where the system of election by the people is adopted? A.—I think so.

Q.—Do you think you would secure as good or better officers when elected by the people as when the appointment is made by the Government or county council? A.—I think we would.

Q,—Don't you think that considerations rather than the fitness of the candidate would enter into the election? A.—I don't think they would, taking the ground I do that these men should hold their positions during good behavior. I can conceive that where they are elected for a period of four years or less, other considerations may enter into the election, but I do not think that would be the case where the officer elected held his office during good behavior.

You think the people would realize the responsibility more fully if they knew it was to be a permanent office? A.—Yes.

Q.—But would not the same considerations influence the county council if they made the appointment, or the Government, as would influence the electing

body? A.—I think not, for this reason, in my estimation. County councils, for instance, are elected not on account of their ability to judge of the suitability of these men to occupy positions but rather as to their knowledge of municipal affairs and the manner of conducting the affairs of the county or township, and if they had the power to appoint these officers it would be a consideration, and perhaps one of the greatest considerations, in the election of the reeve and deputy reeve.

Q.—You do not consider, I suppose, that the registrar is in any sense a representative officer, that he represents the people who would elect him? A.—No; I don't think he would, but his duties are performed on behalf of the people as prescribed by the statutes.

Q.—At present the elective system pursued in this country under the constitution is that the people elect their representatives. I suppose you recognize that such an extension of the elective functions of the people as you propose would be a distinctly new departure? A.—Yes; I do not think any partyism would enter into an election to fill these offices for life, though I quite readily recognize that it might if the election was for a term.

Q.—Admitting that the party system prevails in the country, would not the same influences which affect the appointment when made by the executive affect the people in making a choice? A.—I am inclined to think where the appointment was made during good behavior there would not be that influence.

Q.—They would cast aside all party divisions and unite on the merits? A.—Of course we have no experience, but from my knowledge of the people I think they would.

Q.—You say you have no experience; do you derive any light from the experience of the United States in these matters? A.—No; because to my knowledge—I have not gone into the matter to any extent—the officers are all elected for a limited term there, so the same results would not follow here that follow the system prevailing there.

Q.—Then the safeguard of your suggested system rests entirely in the officers being elected during good behavior? A.—Yes.

Q.—Or a permanent election, dependent on their own good conduct? A.—Yes.

Q.—The next officer mentioned here is the local master; I suppose you know something about their functions? They take references, deal with accounts and so on in the courts. Do you make any distinction between registrars of deeds and the other officers? A.—As to local masters, I have given no special attention to that office, and must confess I know very little about it.

Q.—Under the present system, where local masters drop off from death or any other cause, the office is consolidated with that of the county judge. It is really a judicial office. That being so would you advocate any change in the manner of their appointment? A.—I should not in that case. I confess to not having much knowledge of the duties of the local masters.

Q.—Then the sheriffs are next? A.—I take the same ground in regard to sheriffs as in the case of registrars; they should be elected by the people.

Q.—That is based on the people being the source of power, I suppose? A.—Yes.

Q.—Do you recognize a difference between the duties of the sheriff and those of the registrar? A.—Yes.

Q.—Which officer do you think has the greater responsibility? A.—Well, their responsibilities are great, in a different direction, I suppose. The responsibility of the registrar is all in the line of doing his work, while those of the sheriff are all over, you may say. I think the sheriff has more responsibility.

Q.—Do you think the sheriff's duties are at all municipal or local in their character? A.—They are to a certain extent, I should say.

Q.—That is, because he happens to act in a particular county? A.—Yes. Of course there are many cases where he goes beyond the county, but as I understand it most of his duties are confined to his own county.

Q.—And you would have him elected in the same way, during good behavior, the same as the registrar? A.—Yes.

Q.—And accountable in the same way? A.—Yes.

Q.—The same inspection? A.—Yes.

Q.—Then, take the case of a law which is not at all popular; take the liquor law, for instance, and there may be many others, which is unpopular in certain localities. If the sheriff is elected by the voters in that locality, do you think such a law would have a fair chance of being enforced in a county where the sheriff was dependent on the votes of the people? A.—I think it would, because the sheriff after his election would not be dependent on the popular vote as long as he performed his duties to the satisfaction of the board or the inspector. If he were elected for a term of years, he would be responsible to the popular vote; but if elected as I suggest, he would be independent.

Mr. Hobson: Q.—But do you not think it might have a little tendency to influence his actions after the election if the men who assisted in his election used their best efforts? A.—I suppose there is no man, appointed or elected, who may not be open to that, even our judges, and yet we do not find it the case.

Q.—They are not elected? A.—No, they are appointed. Some men say they favor the Government that appoints them when cases come up in which the Government is interested, and yet the country does not pretend to say anything of the kind, and I don't know why in this case there should be anything more than that.

The Chairman: Of course the way you put it, electing for a permanency is something new, and there is no experience of any other country to guide us; but in the United States it has been the case that under the elective system there is great difficulty in enforcing any law in a locality in which it is unpopular? A.—I quite understand that. They are looking for re-election. In the way I put it there would be none of that.

Q.—The next officers are the deputy registrars of the High Court of Justice; theirs is a judicial office, and I think they are paid chiefly by salary. Have you any suggestion to make as to the manner of their appointment? A.—Those are officers with whose duties I am not familiar, and the same with deputy clerks of the Crown.

Q.—Clerks of the County Court, they are also registrars of the Surrogate Court, have you any observations to make as to those? A.—Well, it seems to me that the clerks of the County Court and registrars of the Surrogate Court would be as well elected by the people in the same manner.

Q.—Permanent officers? A.—I prefer the present system to the elective system as the Americans have it, that is for a term of years.

Q.—You prefer appointment by the Government to election by the people for a term of years? A.—Yes.

Q.—County attorneys and clerks of the peace? A.—I would say the same thing in regard to them, it being understood always that they could only be chosen from those properly qualified. I take it that the people living in the locality where these officers would be elected, who have known them for years, would be in a better position to judge of their qualifications then any appointing power at a distance.

Q.—And you think on a popular vote they would be capable of choosing the best man to conduct their criminal business for them? A.—Well, I have a great deal of confidence in the people.

Mr. Hobson: Q.—As a matter of fact does the average elector know much about what are the necessary qualifications for a county attorney? I ask because I do not think many of the people in my own county do? A.—Well, I don't know.

Q.—Would not the Government be more likely to search and inquire into their qualifications? A.—If you had heard the expressions of opinion that I have as to county attorneys, you might think differently. They have their opinions, and do not hesitate to express them freely.

The Chairman: Q.—Do you consider county attorneys municipal officers? Are they not rather connected with the administration of justice as a provincial or state affair? A.—Well, they certainly are connected with the administration of justice.

Q.—Which is a provincial affair, is it not, not a municipal matter? A.—Well, it is a provincial affair generally, but I suppose the municipality pays a portion of the expense of the administration of justice, and the other portion is paid by the Province.

Q.—One-third, I think, is paid by the county? A.—Yes; I don't remember

Q.—In the case of sheriffs, one-sixth is paid by the county, two-sixths by the Government, and three-sixths by the litigrants. Well, then what do you say as to Division Court clerks and bailiffs? A.—I hold the same opinion, that the people should elect them. Their constituencies would have to be arranged, but that would be a simple thing.

Q.—The electors would have to be from the divisions? A.—Yes.

Mr. Hobson: Q.—Would not that be a very costly thing? A.—Not very.

Q.—I do not mean to take a single case, but in the aggregate? A.—It is only once in a life time. In the case of a bonus by-law, for instance, submitted to a portion of the townships, the difficulty is not very great; it is rather a simple matter, and I have never seen it cause any great trouble.

The CHAIRMAN: Q.—Every time a new division was created as the country developed, there would have to be a new election? A.—Yes.

Q.—Then you make no distinction, as I understand it, between the registrar, who belongs to a distinct class, and the other officers who are connected with the administration of justice. Your opinion is that it is local administration of justice, so the municipal authorities may appropriately deal with the selection? A.—Yes; in my opinion they ought all to be chosen by the people.

Q.—Of course that is a radical change of system? A.—Yes; there is no doubt of that.

Q.—Then as to the manner of compensation. First of all, do you approve of the persons who benefit by these services paying for them, or should they be a charge upon the community at large? A.—I think those who benefit by the services should pay for them. I am in favor of the fee system.

Q.—Then as to dealing with the fees in the way of compensating the officers, would you have them draw the amount for their own use, or have them compensated by salary, a certain maximum salary, and then a scale after the manner of the present scale?

Mr. HOBSON: Q.—And a minimum salary? A.—I don't know as to a minimum salary, unless you prohibit the incumbent from engaging in any other occupation. If I did that, of course I would have a minimum salary. For instance a great many of our Division Court clerks and bailiffs would not get half a living from their offices, many of them in the country places.

The CHAIRMAN: Q.—Are you speaking as to all of these offices that you would have fixed salaries? A.—I would have a maximum salary.

Q.—Where the fees are not sufficient to give them a living would you give them a salary larger than the fees? A.—Not unless they were prohibited from engaging in any other occupation.

Q.—And if that was done, you would give them a living salary? A.—That is what you must do.

Q.—Which do you think is best, to give them a fair living salary and prohibit their engaging in any other business, or to let them get what they can and eke it out with anything else? A.—I think they should take what they can get in the offices and eke it out, as you say, with something else; that is where there is not sufficient work in connection with the office to employ them. Where the offices are small and there is not enough to pay a man if he does nothing else, I think he should not be prevented from engaging in some other occupation.

Q.—And where the fees reach an amount which is more than sufficient to fairly compensate the officer, would you then fix a salary? A.—Yes; I would fix the amount he would receive.

Q.—And he would have to account for the rest to the municipality or the Government? A.—To the municipality.

Q.—Allowing him a percentage on the amount, somewhat after the present system? A.—Yes.

Q. Then, what do you think would be a fair salary for these different officers, just as we have spoken of, registrars, distinguishing between the city and coun-

ties? A.—I have not thought a great deal of that, but I think that at all events outside of the large cities, $1,200 or $1,500 should be the maximum amount; that is outside of the larger cities.

Q.—Of the registrar? A.—Yes.

Q.—That is for a man who gives his whole time to the work? A.—Yes; that is, you know, for his own use.

Q.—And in the larger cities? A.—Well, perhaps I am not capable of judging so far as the cities are concerned. I should think a maximum of from $2,000 to $2,500.

Q.—Then the sheriff? A.—Well, I really do not see that the sheriff should receive more than the registrar.

Q.—Do you not think there is greater liability to be called on to make good mistakes? There are more cases in the reports against sheriffs than against registrars, I know? A.—Well, I don't know whether our sheriffs are as careful as the registrars.

Q.—However, you think the responsibility is about equal? A.—I don't think the labor is quite as great for the sheriff.

Q.—You would put their compensation on about the same footing? A.—Yes.

Q.—Making a distinction between the city and county? A.—Yes.

Q.—Then clerks of the County Court and surrogate registrars; what fixed amount would you place for them? A.—From my knowledge of them I do not think they should have any larger salaries than the others; perhaps not so large. I am not so well acquainted with their duties as I am with those of the sheriff and the registrar. So far as my knowledge goes, I put them on about the same footing with the sheriffs and registrars.

Q.—County attorneys and clerks of the peace—they are professional men? A.—Yes; but most of the occupants of those positions engage in practice; they can do other work, and do, as far as my knowledge goes. The clerk of the peace, I think, could do with less in many cases.

Q.—I think these offices are combined in all of the counties except York? A.—In nearly all the counties, as far as I know.

Q.—In the combined offices, what figure would you put upon it? A.—Oh well, $1,000. I don't think they should be paid as much as the others, because they are not expected to devote their time fully to the duties of the office. As a matter of fact they don't do it, in my experience; they are working at their professions a good deal of the time.

Q.—They have to appear at the quarter sessions and conduct the prosecutions before the judges, and at summary trials and all that? A.—Yes.

Q.—If there is any amount of work in a county, they must be kept pretty busy? A.—I only know of our own counties, Northumberland and Durham.

Q.—That is at Cobourg? A.—Yes.

Q.—There is not very much there; they are very orderly counties? A.—I have no experience beyond that. Our county crown attorney and clerk of the peace has a good deal of time for private practice, and I can only judge from that.

Q.—Division Court clerks and bailiffs; perhaps you can speak of them together? A.—In connection with the Division Court clerks, I have never thought much of this matter of salary, but I should think a maximum of about $700 for the clerks; that is, in counties. As for the bailiffs, many of them are not getting more than enough now to pay their board. I would let them get all they can get.

Q.—Up to what amount would you allow them to collect and retain all the fees without accounting for them? A.—Oh, $600 or $700, about the same as the clerk, having in view the extra work they have to perform.

Q.—Then, as to the assistance that some of these officers have; how would you provide for the deputies? I suppose both the sheriff and the registrar need deputies? A.—I think the sheriffs or registrars ought to select their own deputies, because they are responsible for the conduct of their offices and would require to select them.

Q.—And as to the matter of paying them, would you have that fixed, or leave it in the hands of the chief? A.—I think it would not be amiss to fix the salary of the deputies. That might be done by the board I spoke of; they could ascertain what assistance was required and provide for the payment of it out of the fees.

Q.—If all the officers we have been speaking of were elected, as you think is desirable, upon whom would you place the duty of fixing their salaries? A.—I think that should be fixed by statute. The maximum amount should be fixed by the Legislature.

Q.—The Legislature should fix the amount beyond which they should account for the overplus? A.—Yes.

Q.—The board you speak of would consist of three members; I suppose the majority would control? A.—Yes.

Q.—Would you give any right of appeal from the board? A.—No appeal from the board.

Q.—I think you said you would have the officers inspected under the present system? A.—Yes.

Q.—Do you consider that system of inspection is efficient? A.—I think so.

Q. Some of those who have given testimony have said they were in favor of reverting to the old system of appointing the Division Court clerks and bailiffs by the county judges; have you any observation to make regarding that? A.—My little experience is that the present system is quite as good as that was.

Q.—The change which you are in favor of is a change to election? A.—Yes.

Q.—Then the grounds upon which you advocate the change, I understand to be that the people living in the locality are in a better position to judge as to the fitness of those who would fill the offices, and know best what is wanted, and being the source of power ought to make the selection? A.—Yes; and that they would be uninfluenced by partisanship. As it is at present the party in power makes the appointment from among its own adherents.

Q.—That is your objection to the present system? A.—Yes; that the party in power fills the office; that is one of the objections.

Q.—What other objection is there? A.—Another is that the Government, or the individual that represents the Government in a constituency, whether the successful or the defeated candidate, is not in as good a position as the electorate to know the best man for the position. There are other considerations.

Q.—Your objection is that the choice is a partisan one, and made by a body that cannot know as well as the people living in the locality what is wanted? A.—Yes.

Q.—Are those all the objections you think of at the present time? A.—Those are the objections that occur to me just now.

Q.—You do not know of any place where this system has been tried? A.—I don't know of any.

Q.—Has it been discussed in your county council, do you know? A.—I have not been in the council for some years; the matter was not discussed during my time. It is eight or ten years since I was in municipal life.

Q.—Is there anything else which you wish to remark upon in connection with this matter? A.—Nothing that I can think of at the moment. I have not been thinking over the matter, as I was not at home when the letter came directing my attention to it. I happened to be in the city to-day.

Mr. HOBSON: You said that where the appointment was made at the suggestion of the representative of the party in power he would not have as good an opportunity of knowing the qualifications of the candidate as the electors have. Now, it strikes me just the other way. Take a large county such as Wellington or Simcoe. Take a man living in Barrie, for instance, what do the people in the outside townships know about his qualifications? What would they know of the qualifications of a man who wanted to be appointed crown attorney? A.—A man whose name is sufficiently prominent to be considered as a candidate for that position will be pretty well known by the people. He will be a lawyer, and I think they will be able to judge fairly well of his honor and the success he has met with in the courts, and all that kind of thing.

Q.—Do you not think your proposed system of electing the officers would prove very costly? A.—It would be costly if the election occurred every four years, but where these men hold their positions during good behaviour, or for life, vacancies will not occur very often. Of course there would be a certain amount of expense connected with it, but at the same time instead of only one half of the people expressing their opinion the whole of them would have an opportunity to do so.

Q.—Then you consider these in a large measure county officials. Of course some people view it differently, and regard them as part of the provincial system; that is, that the officers are more provincial than local? A.—You can carry the same thing down to municipal councils; you can carry it as far as you like by straining it.

JAMES LAIDLAW, by request of the Commissioners, appeared before the Board, and, being interrogated, stated as follows:

The CHAIRMAN: Q.—You are the warden of the county of Wellington? A.—I have been.

Q.—What other municipal position have you occupied? A.—I was reeve before that, and councillor, and I was two Parliaments in the Local House.

Q.—How long have you lived in Wellington? A.—62 years last June, one of the first settlers; I am a farmer there.

Q.—Well, what do you think about the method of appointing the various officers under consideration here? A.—I think our present system is the best that could be followed, that is, their appointment by the Local Legislature. I think the present plan involves less wire pulling and log rolling than the other way proposed. If it were left to the county council there would be more trouble and vexation; we have enough elections now, without anything of that kind, and I certainly prefer the present system. If the county council had it, each one would have his own favorite, and they would compromise the matter in some way.

Mr. ROBINSON: Q.—There are some politics in your county? A.—I can safely say I never knew them in our county council, but in a case of this kind they would be sure to creep in. We have a northern and a southern element, but it is not so much political.

The CHAIRMAN: Q.—What do you say about election by the people—what do you think of that system? ? A.—I prefer the present system. If they were elected by the people, I do not see how we could supervise their work. Who would inspect their work? Would we have to elect inspectors as well as all these officers?

Q.—Why should not you, if you elected the registrar and sheriff, elect the treasurer and county clerk? A.—I do not know any reason why we should not. If we elected one we might as well elect all; but I would leave them all just as they are. Of course the treasurer and clerk are elected by the council.

Q.—Yes; but if the demand is that the people should elect the registrars and sheriffs, why should not they elect the county treasurers? A.—I do not know any reason why they should not. They should elect the whole or none.

Q.—Do you think that these are in any sense local officers that ought to be dealt with by the municipalities, or general officers relating to the Province at large? A.—Well, they are partly local, are they not?

Q.—They do their work in the locality, but is it not a part of a larger system which covers the whole country—the administration of justice, for example? A.—Well, we look upon them as local officers; they are doing the work of a particular district.

Q.—Your remarks as to the manner of appointment applies to all these officers, does it? A.—Yes.

Q.—Then as to how they should be paid, what do you say? A.—Oh, by fees, for the reason that the person who employs them should pay them.

Q.—Should they receive all the fees they collect? A.—Up to a certain amount. We have that system in force; after a certain amount a certain percentage goes to the municipality. I would give them a fair living income proportioned to the work and the amount of responsibility. The sheriff holds a very responsible position, and in such a county as Wellington, I would say the sheriff should have, say $2,000 a year and the registrar $1,500 or $1,600 a year. I think the sheriff ought to have more remuneration than the registrar.

Q.—What about county attorneys and clerks of the peace, as to fees or salary? A.—I would carry out the fee system all the way through in all these offices.

Q.—Did you hear what Judge Kingsmill said? A.—Part of what he said.

Q.—He said the county attorneys and the clerks of the peace have the means of increasing business if they want to do so, so as to put more fees in their pockets, and he thinks it would be better to pay them salaries, so that they may not be induced to encourage litigation? A.—Of course that is quite possible, but I have never heard any complaint in that respect.

Q. Have you had any dealings with Division Court clerks and bailiffs? A. Not on my own account. I have never heard any complaints against the system.

Q. If there is a surplus of fees in the registry office, what would you favor being done with it, reducing the expenses or distributing the fees? A. I would not reduce the fees. I would just carry further the principle we have now in existence.

Q. Do you think the sliding scale in force now a good arrangement? A. I do not know of anything better that we can adopt. Some of our sheriffs are perhaps too highly paid, and I would just make them pay a little more back to the county or city, as the case may be. I would fix the amount of their salary and make them refund the rest. I think in a large city like Toronto the sheriff ought to get $5,000, because the cost of living is higher and his responsibility greater.

Mr. MASON:—Q. Have either the question of the mode of appointment or the payment by fees ever been discussed in your council? A. It may have been, but not that I am aware of; not when I have been there. I think all this talk has come up within the last year or two.

Mr. HOBSON:—Q. From your knowledge of the composition of the average county council, do you think they would, as a rule, consider the qualifications of those desiring to be appointed as carefully as the members of the Government? A. I do not think so. I think the merits of the man might be overlooked in the scramble to get the appointment for some particular section of the county.

Q. Do you think there would be any tendency to pay men less than they were really worth for their services? A. Yes, I do think so. I think the tendency would be to lower their pay, and of course get inferior men.

Mr. ROBINSON:—Q. Do county councils now pay fair salaries to their treasurers and county clerks? A. We do in our county; our clerk gets $500 and our treasurer $1,200. It does not take up all the time of the clerk by any means, but the treasurer gives his whole time to it.

The CHAIRMAN:—Q. Do you think the whole time of sheriffs and registrars should be given to their office? A. I think so, most decidedly; and if the fees are not sufficient I would supplement them.

DR. WILLIAM MUNRO, by request of the Commissioners, appeared before the Board, and being interrogated, stated as follows:

The CHAIRMAN.—Q. You are a medical practitioner? A. Yes.

Q. Have you been in any municipal office? A. No.

Q. How many years have you been a physician? A. Seventeen.

Q. I suppose you have thought more or less about this question of officers, and appointment, and fees, and so on? A. I have

Q. Have you any observations to make about the manner of appointment of these functionaries? A. I have some theoretical opinion.

Q. We shall be glad to hear what you have to say? A. I have not much to say against the present system of appointment. In a general way, I approve of government appointment and government supervision; but it has occurred to me that some of the officers might be paid in a different way. In a general way, in the country at least, there is a clamor for reduction of the expenses of the offices. Looking at it from the point of view of country life, the income of the officers seem high to most people living in the country.

Q. What officers do you specially refer to now? A. The sheriff and the registrar.

Q. What is the general idea of the remuneration that the sheriff and the registrar should have; from the standpoint of the country standard of living? A. Not much above what it costs to run the office.

Mr. HOBSON.—Q. Not much above what? A. Not much above what would result in a small net profit on overseeing the office, not a net profit that would be a fair salary supposing he had no other occupation to follow. Take the office of registrar. The fees for the work done in the office are a little high. I have had something to do with the registry office. I have done some business in it. The fees really come out of poor people. A good share of the fees come out of poor people, and there is a net profit resulting from the accumulation of these fees, part of which can be very well spared, I think.

The CHAIRMAN.—Q. Your plan would be to reduce the fees, as a manner of relieving the people who have to pay? A. That is the main point that occurs to me.

Q. Some man has to be there all the time, and he has to be a man of intelligence, to look after it and keep his accounts right and understand what he is doing—be accurate and all that. What do you think, taking the standard of the county you come from, would be sufficient compensation for the work? A. I think the man who has the appointment and can hire the work done efficiently, and pays enough attention to the office to see the work done all right, in a place like this country town, four or five hundred dollars would be sufficient. I do not think that the office would go begging at that.

Mr. HOBSON.—Say five hundred dollars net.

Mr. MASON.—Q. That you think is a sufficient salary for a registrar? A. Net profit.

Q. I do not understand? A. The gross receipts are so much, and the expense of running the office, by hiring the work done, so much. The difference between the two is the net profit.

Mr. HOBSON.—Q. Could a man live on four or five hundred dollars? A. I do not think, as a rule, that the registrars in this section of the province depend on their office for a living.

Mr. MASON.—Q. Suppose they did depend on the office for a living, as a matter of fact, the majority of them do—what then? A. Then the expenses of

the office should still be cut down, because the registrar's income would amount to more than that of nearly all professional men. As proof of this we have only to look at the number of good men struggling to get the appointment.

The CHAIRMAN.—Q. They should do more work themselves? A. They should do more work themselves.

Q. And not have half as much help? A. Yes.

Mr. HOBSON.—Q. But suppose that one week they are very busy and the next week they are not; and they have to adapt themselves to this state of things; what then? A. The man who undertakes to run the office himself without hired help, of course, he may be crowded at times, yet he may be in a position to hire a little extra help at seasons when he is a little overworked; or if he has his office pretty well supplied, he can turn in himself and help at busy times. I presume that the registration of documents, if the fee for registration were reduced forty or fifty per cent.—or say twenty or twenty-five per cent.—would leave as much surplus profit as necessary, and it would be a relief to the poor people, who really have no dollars to spare in paying fees.

The CHAIRMAN.—Q. What do you say as to the sheriff; do the same remarks apply to him? A. I believe that most of these officers are overpaid. I do not know so much about the work of the sheriff, as I have not inquired into it.

Q. There is responsibility involved. If he makes a mistake he has to stand a suit and pay damages. This has to be taken into account? A. Yes.

Q Do you speak about any of the other officers; county attorneys for instance? A. In reference to the question of salaries or fees, in an office like that of registrar, in which the work has to be done, and has to be done efficiently, a registrar might possibly be salaried; but I think that in the other offices it is decidedly better that the payment by fees (only let the fees be reduced) should continue; that is, in most of the other offices. Do you take up the office of license inspector?

Q. Yes. A. I think the salary of the license inspector is about twice what it ought to be. There is a uniform opinion in my district that the work he does is very much overpaid; probably double overpaid.

Q. And as to appointment? A. Some think that the county council ought to control the appointment of these officers. Probably they think that that is a way of getting at the salary.

Mr. MASON.—Q. How many licenses are issued in the district of which this four hundred dollar man is inspector? A. I have not a correct estimate. Perhaps twenty——.

Q. Do you think there would be an objection to the manner of appointment if the salary were reduced? A. Not very much.

Q. It is chiefly a question of salary? A. Yes.

The CHAIRMAN.—Q. And so as to all these, the complaint is the expense? A. Yes; I think they want to get at the salaries by getting direct control over the offices.

Mr. MASON.—Q. I suppose that so much attention would not have been drawn to the matter if it were not considered in some quarters that the remuneration received by these officials is excessive? A. Yes; I think that is the main reason.

DUNCAN MONROE, by request of the Commissioners, appeared before the Board, and, being interrogated, stated as follows:

The CHAIRMAN: Q. Are you in any municipal office? A. No, not at present.

Q. How long have you lived in Stormont? A. About thirty years.

Mr. ROBINSON: Q. Have you been in the council? A. I was town clerk a good many years ago.

Q. What is your occupation now? A. General insurance agent.

Q. What do you think about the manner of appointing these officers that we are dealing with; would you make any change in the present system? A. I don't know of any change that could be made for the better, myself.

Q. You would not favor letting the county councils appoin them? A. No.

Q. Or having the people elect them? A. Worse still.

Mr. BROOKS: Q. In what way? A. Because the men being beholden to the public for positions, there would be more favoritism in the carrying out of the duties of those positions. The officials would be dependent on certain parties for their election, and of course, they would incline to favor those parties in the discharge of their duties.

Q. How as to appointment by the county councils? A. The same objection would apply there, to a limited extent, although not to the same extent. The further you can get the appointments away from all partyism of that sort, the better. I think even that if the Government could arrange to appoint a commission, or something of that kind, to make the official appointments, it would be a good thing.

Q. Suppose you were to have the county council nominating and the Government appointing? A. It would be the same thing. If the county councils nominated the officials, they would expect them to be appointed.

Q. But if the council were to nominate a list of persons whom they considered suitable, irrespective of politics and religion? Let the council act fairly, and submit the names to the Government, and the Government select out of these names. Would that overcome any difficulties or obviate any objections that are now made to the manner of appointment? A. Well, that might be better than allowing the county council to make the appointments direct. Do you suggest that the Government should examine the persons on this list as to their fitness for the position?

Q. The Government would take the responsibility. The Government would choose from that list. The Government would not be bound to the list if they thought it undesirable; but in that way they would be getting information from the county council as to the persons the council thought suitable. The Government would not be confined to that list, but would be assisted by it? A. That might not work. Would not it be better for the Government to get a commission to appoint all officers? The commissioners would not be removable except for cause, just as the judges are.

Q. That would be a standing board of commissioners to make appointments to all official positions? A. Yes; I think that would be better.

Mr. HOBSON: Q. That would be adding more machinery? A. Perhaps not very much.

The CHAIRMAN: Q. And you would have that board appointed from what source? Of whom would it consist? Persons engaged in any other occupation? Or would you make that their sole function? A. It would depend on how much they had to do. I do not believe the judges would have time.

Q. You do not know of the plan being tried anywhere, do you? A. No; I just thought probably it might work. Outside of that, I think the Government is the best for making appointments that I know of.

Q. As against any plan suggested of election by the county council or by the people, you would let things be as they are? A. Oh, yes.

Q. Then as to the manner of compensating the officers, what do you say? The fees are to be collected from the persons getting the services? A. I think that the officer should take the whole amount of fees up to a certain sum, and then after that a percentage.

Q. With reference to the audit of accounts, do you think it would be well to have a professional or expert audit of accounts by a competent accountant, of the accounts of registrars and councils? A. I think a professional accountant would be the best one to do the auditing.

Q. The councils get a percentage of the receipts of the registrar of deeds, and the same audit would be advisable as in the case of the county accounts? A. Oh yes. I think it would be well, probably, to have all these accounts audited by a professional auditor.

Q You are aware that there is a professional auditor employed by this county? A. Yes.

Q. And you think that that has worked advantageously for the public? A I think so.

Q. You were one of the county auditors at one time? A. Yes; and I quite admit that it is better to have a professional.

Mr. ROBINSON: Q. You did not detect the defalcations? A. No.

Q. They were covered up pretty well? A. Yes.

The CHAIRMAN: Q. Then as to Division Court clerks and bailiffs; do you favor any change in the manner of their appointment? A. No.

Q. Is there any complaint about the way in which they do their work? A. I have heard none.

Q. You were town clerk; the duties are very much the same as those of county clerk? A. Pretty much; a town clerk has more to do, in fact.

Mr. ROBINSON: Q. How many members in your town council? A. Thirteen, I think, including the mayor.

Mr. MONROE desires to add to the foregoing the following: Since giving my views to the Commission I have been informed that in Great Britain all officers are appointed by a Commission appointed for life and independent of Government, and that all applicants have to undergo an examination and are appointed on their merits, irrespective of nationality, religion, or politics; I would like to see a similar commission appointed to fill all offices under the Dominion and Provincial Governments.

I have also been informed that license commissioners are appointed from year to year; I think doing so is a mistake; they should be appointed for life, and be independent of Governments, same as judges.

ARCHIBALD McNAB, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Where do you live? A. At Alexandria.

Q. Have you been a councillor? A. Yes: I have been in the municipal council of Lochiel for many years.

Q. And have been in the House of Parliament? A. Yes; I was in Parliament; I have lived all my life in the county, except a few years in Winnipeg and the North-West.

Q. Looking at this list, what do you say as to the mode of appointing the officers named herein? A. My belief is that the Government of the day, no matter of what political party composed, should have the appointing power; they should also have the power of inspecting these offices, and should be responsible for the good conduct of the official and the impartial discharge of his duty; they should have the power of suspending or even dismissing officials if the case required that.

Q. Entire control? A. Entire control; I have arrived at these conclusions from a pretty long experience of municipal life; twenty years consecutively; during the greater part of which time I was reeve of my township, and part of the time I was warden of the united counties of Stormont, Dundas, and Glengarry; this has offered me an opportunity of seeing the working of municipal law generally, and seeing the modes of county councils in appointing wardens, and so on; though having no personal complaint to make, as when I was elected warden (if I may be permitted to refer to my own case) it so happened that I was elected by acclamation, by the hearty approval of the members from the three counties, which was a rare thing; but I have seen occasions when there was a great deal of what may be called wire-pulling and log-rolling in connection with the election of warden and the appointment of officers, when it was evident that the members were influenced, not so much by qualifications for the proper discharge of the duties of the office, as by political and sectional feeling, and perhaps family and individual preferences; so that the real qualifications of the man for the office were lost sight of.

Q. What do you think would be the effect of giving the county councils the power to appoint officers to whom a considerable salary was paid? A. My impression is that it would intensify and increase the evil; that highminded men who might accept a position from the Government, who are supposed to have the confidence of the majority of the people, and would discharge their duties well,

if they had to be elected by county councils, whose members had to be canvassed and buttonholed, and subject to this sort of influence, that they would not accept a position at all; they would not be candidates; I fear the result would be that incompetent individuals would often be appointed.

Q. How as to election by the people? A. The remarks as to county councils would apply with equal force, in my view, to election by the people; with this added difficulty: that if a county council really does not understand the qualifications a position requires, the people, as a general rule, two-thirds of them, cannot be expected to know, and therefore they would lose sight of the qualifications required altogether, and be guided by other considerations.

Q. What as to the expense connected with the popular election of officers? A. The expense would be necessarily increased, but to what extent I would not be prepared to say.

Mr. Hobson: Q. There would be the expense of an ordinary election anyway? A. Yes; and in some cases where there are more ridings than one it would be heavier.

Q. Double or treble? A. No doubt about that; I am perfectly satisfied, on considering the question very carefully and maturely, as well as from my general observation, that you cannot improve upon the mode of appointment; the Government of the day, having the confidence of the people, should be invested with the appointing power, and with the supervision and inspection and power of dismissal; the difficulty would be how to get the supervision and inspection and power of dismissal if the appointment was by the council or by the people's election.

The Chairman: Q. The objection is made that appointments are often at the instance of a defeated candidate; where the majority goes against the Government, and the Government candidate is defeated, that he nominates the man to be appointed, and that that is not palatable to the council, who may be mainly of a different political complexion: supposing that that does occur, is that objectionable, and could it be changed? A. It has not occurred in my observation; I cannot say that any cases of that kind have occurred; generally speaking, there is not much ground of objection, I think, from that cause; there may be isolated cases of that kind, but they are the exception, and not the general rule.

Mr. Hobson: The appointments are generally satisfactory? A. The appointments are generally satisfactory; and I have no hesitation in saying that under the present system better appointments are made and the public have better attention than would be possible if they were elected by the people or by the county councils.

The Chairman: Q. Then as to the way in which the officers should be paid? A. I must say frankly that many years ago, before the law was changed so as to provide that the excess of the fees in addition to what would be considered a fair remuneration should be dealt with as they are now, I was inclined to favor a funding of the fees and payment of the officers by salary. My reason for that was that I desired to have the various salaries more equalized throughout the country. You found at that time one sheriff or registrar paid three or four times as much as another one. And this I thought was objectionable. But now it has been enacted that the excess of fees received beyond what would be fair remuneration to the officer, goes back to the people; and the difficulty is therefore removed. There is also the consideration that it would be impossible

to arrive at a satisfactory basis for the salary to be paid, because of the differing amount of work in the different offices, and even in the same office during two different years; so that the salary thus fixed would be either too large or too small. I therefore came to the conclusion, after the change had been made in the law to which I have referred, that there could be no better system than that the fees of each office should be the source from which the officer should receive remuneration. This, too, is on the principle of the old saying that "those who dance should pay the fiddler," and it is applicable to registrars and sheriffs and other officials. The fees being the source from which the revenue is derived, these fees are paid by the people who employ the officials; and those who do not employ them are not called upon to pay for their services. Another defect in the salary system is that it does not supply the incentive of self-interest. That incentive is a great factor in every-day life; and where a salary is secured by the Government to a man, no matter whether the fees of his office are properly and carefully collected or not, the result would be that the Government's revenue from the fees would be much diminished; so that that portion of the people who have no interest in these officials and never require their services, would have the burden of making up part of their remuneration. For these reasons I have come to the conclusion I stated; although at one time I was inclined the other way, not having carefully thought over the matter. I am now perfectly satisfied that the fee system is the best for everybody concerned.

Q. And you are satisfied with the way in which the Government deal with the fees now. That the officer retains so much and pays over the surplus to the Government? A. That is just what removed one of the objections I had.

Q. Do you approve of the officer getting a percentage of the fees above a certain sum? A. I did not think of that feature of the case. My general idea was that the excess of the fees collected over and above what was a fair remuneration for the officer's duty, including the collection of the fees, should go to the public.

Q. The way it is now is that the officer, besides a fixed amount, gets a percentage on the overplus? A. Well, if the excess would be a large amount, involving considerable trouble, I do not know that it would be unreasonable that he should be allowed a percentage. I think it would be fair. I think there is some equity in that.

AN INCIDENT IN THE COUNTIES COUNCIL OF STORMONT, DUNDAS AND GLENGARRY.

On one occasion there were two applicants for the office of county treasurer before the council, which was pretty evenly divided politically—one from each of the two political parties; and one of these found his success depended on the vote of the reeve, representing the largest township population, whom the law invested with a double vote, the ordinary vote as reeve and in case of a tie a casting vote—but who had been on a sick bed for weeks previous to that, and resided twelve miles distant from Cornwall where the council met.

Political and partizan zeal, however, overcame all that. A livery rig with a couple of warm friends, with stimulants, a doctor, etc., was, during a cold February night, despatched for the sick man, who was taken from his bed, laid in a bed in the bottom of the sleigh, covered with blankets, robes, etc., and next morning literally carried into the council chamber and supported by friends while giving his double vote, the ordinary vote as reeve, making a tie, afterwards the casting vote which elected this applicant, though at the risk of his own life. Nothing could more clearly prove than this incident the partizan zeal sometimes

of counties councils and their total disregard of the qualifications required in appointing officers to important offices of trust. I simply refer to this as illustrative of the feeling and the conduct of county councils very often in making appointments.

JOHN D. COLQUHOUN, by request of the Commissioners appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Where do you live? A. In the Township of Osnabruck, in the Village of Wales.

Q. Do you hold any official position? A. No.

Q. Have you seen this list of questions that we are considering? A. I have.

Q. What do you say as to the way these officers or any officers should be appointed? A. I am satisfied with the way in which they are appointed now.

Q. Has there been any agitation in your part of the country for changing the appointment or dealing with the salaries or anything of that kind? A. I have heard some.

Q. Was it, as a gentleman here has said, because the question of overpaying them was involved, or was it in order to get the appointment? A. I think perhaps it was occasioned by people wanting to get the appointment in their own hands. It was thought that the present Ontario Government had too much patronage, and some members of the other party wished to have a little more patronage on their side.

Q. So that it was a question of party feeling, you think, that gave rise to it? A. I think so.

Q. Rather than any more general ground? A. I suppose so.

Q. Suppose that the appointments were given to the county council, would the party element still prevail there in the appointments? A. Yes; there are so many county councillors, and several of them would have more friends in the county than the Government would have. It amounts practically to the same thing, perhaps; but I know that some old friends of mine have told me about the time when these officers were appointed by the squires, as they were then called.

Q. The justices of the peace? A. Yes; the appointment was made by them then. I asked an old friend of mine how the appointments were made then, and he said the appointments were made by a few bottles of rum. I do not believe it would be that way if the change were made to the county councils; but at the same time there would be influence brought to bear.

Q. Then how about the people at large. How would an election by them work? A. I don't know. I can hardly give you an opinion about it.

Q. I suppose you know how it has worked in the States? A. Yes; it has worked adversely, I believe, to the good of the country.

Mr. HOBSON: Q. You would not favor it? A. No; I would not favor it.

The CHAIRMAN: Q. What about the payment? A. I believe to get an efficient officer you have to pay him.

Q. You would not advertise for the man who would do it the lowest? A. No; I know there are people who think that the salaries are too high; but if you want to get an efficient man you have to pay him. If you had a case in court involving millions of dollars, you would employ a man at $500 a day. In the same way, if we want our affairs attended to in public matters, we must employ a man who is competent to attend to them. As to the registrars employing deputies, I think that is necessary; because there are times when there is very little work, and there are times when there is a great deal of work. One man cannot overtake the work when there is a rush; and when there is very little to do it would be too bad if they both had to stay there and do nothing. When there is nothing to do in the office, surely a man who is registrar can go out and do anything else that he wishes.

Q. Looking at the salaries paid in your county, do you think there is any reason to comment adversely on the amount—$800, $900, and $1,000? A. I do not think that there is.

Q. And the sheriff? A. You mean in these united counties?

Q. Yes; the three counties? A. Well, he has to employ a deputy.

Mr. MASON: He got altogether $1,922, his total receipts were $3,085, and he paid out $1,163, leaving him $1,922 for his personal use. The present limit is up to $2,000.

The CHAIRMAN: Q. How does that strike you as compensation for this office? A. Well, it is perhaps a large salary; but there is a great deal of responsibility connected with it; and he would have to make good anything that was wrong.

Q. No doubt, he is answerable for all his bailiffs and the people he employs too? A. Taking into consideration all he is responsible for, I do not think it is too much.

Q. And the registrars—$800, $900, and $1,000; do you think that is too much? A. I do not think it is too much, to get a qualified and honest man.

Q. Do you express any opinion about the county attorney and clerk of the peace; do you know anything about those offices? A. No.

Q. Division Court clerks and bailiffs? A. How are they paid?

Q. By fees altogether. The Division Court, except as regards the judge, is a self-sustaining court. The officers get what they can out of the fees. There is not enough to give a man a living, and he has to do other things. A. I think they ought to be paid by fees, as they are now.

Q. Do you think that the appointment of Division Court clerks and bailiffs should be left to the County Court? A. No.

Q. Why? A. Because I would think there would be a great deal more of the objectionable features of patronage if the officers were appointed in that way than there is now. It would be a great evil.

Q. More likely to get efficient officers? A. No.

Q. Is there any other matter you wish to speak about that we have not asked you? A. No.

Mr. ROBINSON: Q. Have you seen the office of license commissioner abused? A. No; I certainly have not seen it abused.

The CHAIRMAN: Q. Would you favor the appointment of license commissioners by the county council? A. No; I would not. I would wish no officer of that kind to be appointed by the county council.

Mr. MASON: Q. You would keep it as it is? A. I would keep it as it is.

The CHAIRMAN: Q. Would you favor these officials being permitted to actively interfere in politics? A. I think they do not actively interfere in politics.

Q. Do you think it is right that they should not so interfere?

Mr. MASON: Q. That they should not use their official power to endeavor to influence people? A. They certainly should not. As to any complaint being made of their doing so, I never heard of any.

Mr. ROBINSON: Q. You are in a very good way of hearing it? A. I would certainly hear it. I think there might be some supervision by the Crown attorney or others under the direction of the Government, who, in the appointment of officers, would determine if they were qualified to fil the offices to which they would be appointed.

JOHN A. McDOUGALL, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. What is your position? A. I am the reeve of Lancaster.

Q. What is your opinion as to the officers mentioned in this list? A. The duties of some of them I am not familiar with.

Q. Speak of any of these that you know about? A. I did not know exactly what was going on, and therefore I do not wish to have much to say on the matter. As far as my knowledge goes of the public officers, I am pretty well satisfied with things as they are. There has not been very much said on the question in our locality. A little has been said, but not very much; not sufficient to make me wish for any change

Mr. HOBSON: Q. You are satisfied with the present system?

The CHAIRMAN: Q. And the manner of appointment too? A. And the manner of appointment too.

Q. You have no suggestions to make as to change? A. I have no suggestions to make.

Mr. BROOKS: Q. Do you know if there is any particular desire on the part of the people to have the appointment of these officers in their own hands? A. There may be. I think probably there is.

Q. Is the feeling at all general? A. No, not general, not to my knowledge.

FINLAY D. McNAUGHTON, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are the reeve of Finch? A. Yes; I have been fifteen years in the council.

Q. What is your opinion as to the manner of appointing these officers? A. Oh, I have various opinions, according to the office.

Q. Just look at the list and speak of those that you know, and say what change you would make, if any? A. The registrar of deeds; well, I am inclined to think that it would not be a bad idea to have the registrar of deeds elected by the people.

Q. Any others? A. Local master—the appointment to remain as it is; and possibly the sheriff. My opinion is that as far as these officers are concerned, with the exception of registrar of deeds, I would be inclined to favor the present mode of appointment; that is, unless they were appointed for a term of years by the popular vote. I would not favor their being appointed for life by popular vote, or during good behavior.

Q. The registrar might be appointed by popular vote? A. I think so; because the matter that he controls is a purely local matter, pertaining to the county. That is my opinion of it.

Q. How long would you have them elected for by the people: what length of time? It would not be for life? A. No, not for life, if elected at all. I have not given the matter very much consideration. If there would be any, I favor the election of, it would be registrars.

Q. The others you think have to do with the administration of justice and are not so much local in their functions? A. Yes.

Q. How long would you have them elected for? A. The same as the members for Legislative Assembly. They should be elected every four years.

Q. Would you have the officer re-elected if competent, or should there be a certain time after which he could not be proposed for election? A. If he is a competent man, I do not think there should be any such rule.

Q. Why would you have the election every four years or so? Is it to give the people a chance to say whether he should be kept in office or not? A. Yes.

Q. For a check on him, as well as a means of the people seeing that he did his duty? A. Yes.

Q. Is there any objection to the amount paid to the registrars? A. Yes, there is quite a feeling.

Q. That is perhaps the reason why the change is asked for, rather than the mere matter of appointment? A. Well, it might have something to do with it; but there is quite a feeling through the country that registrars of deeds receive too much salary; or, in other words, that their fees amount to more than they earn; that a great many of the registrars hire their work done; that they have clerks in their offices, and do not pay much attention themselves to the work; that they draw a large amount of money, a great many of them attending to other businesses, some of them merchants and in other businesses competing with the public; that they are receiving the public money without doing much.

Q. So that you think that the man who is in the office as registrar should give his whole time to the work and do the work himself, and only do it by his assistants where actually necessary? A. Yes.

Q. And if that change were made, would you just leave things as they are, so far as appointment goes? A. Well, there is a feeling, as Dr. Harkness has said, there is a feeling in the country that the Ontario Government have taken

to themselves the appointment of too many officers, and that the people themselves who pay these officials should have a hand in the appointment of them. That feeling exists.

Q. Besides the registrars, what other officers should go back to the people? A. I should say that the license commissioners and the license inspectors should go back to the county council.

Q. Is that because they are interfering in elections in an objectionable manner; is that the chief ground? A. Not exactly. My objection would be that the salaries paid to these men are too large for the amount of work that they do.

Mr. ROBINSON: Q. The license commissioners do not get any salary? A. But the inspectors do; and this money comes out of the people, out of the general public. So it is with the fees of a registrar. If they did not get it, it would go into the general funds of the townships; and if the county council had the appointment the work would be done cheaper.

Mr. HOBSON: Q. That is, the work of the license commissioner? A. Yes.

Q. And just as efficiently? A. Yes. Well, I would say, allow the inspector to be still under the control of the Government, as he is now; but the appointment should be made here, the same as that of the school inspectors.

Mr. MASON: Q. The salary of the license inspectors is not paid by the county; it comes out of the fund? A. It is paid by the hotel-keepers, and it lessens the amount that the municipalities receive.

Q. What is the salary of the inspector in this county? A. Somewhere between $400 and $500.

Q. Do you think that is a high salary? A. High for the amount of work.

Mr. HOBSON: Q. That is, the county of Stormont? A. The county of Stormont.

The CHAIRMAN: Q. Do you speak of any of the other salaries except that? Leave all as they are except this. Do you say anything about the salaries of any of the other officers? A. Well, there is a feeling also that this registry office business can be fixed by reducing the cost of registering instruments. For instance, a mortgage costs $1.50 to $1.75 to register.

Mr. MASON: $1.40, an ordinary mortgage.

WITNESS: A good many people think that a remedy might be applied by reducing the cost of registration. It is the people who borrow that generally pay the fees.

Mr. HOBSON: Q. But taking the united counties, are not you assuming that they are paid too much? It appears that the highest paid registrar in the united counties gets only a small fraction over a thousand dollars after the office expenses are paid; and further referring to what you said about the officer doing the work of his office, is there not a difficulty in this? That it seems almost necessary that there should be a deputy, because the registrar is often called away to appear in court, or he may be sick; and if for these or other reasons he

should not be there, there must be a qualified deputy, or the public would suffer from the office being locked up. Would you consider a thousand dollars a year too much for a registrar? A. Well, it would not be too much provided that he could do the work.

Q. Would you or would you not favor his taking up any other work? A. If he were limited to that business and could not take up any other occupation, I do not know that it would be too much.

Q. It appears that the registrars of this county are only getting $800, $900 and $1,000. Do you think that would be too much? A. No.

Q. Then in reducing the fees you would be lessening their salaries? A. Taking the Province all over the salaries are too large. In eastern Ontario the salaries may be small, but in the west they are very large.

The CHAIRMAN: Q. Would you take from the west to make up the deficiency here? A. I have often thought it would be a good idea to fix the salary at a certain amount, according to the work that the officer has to do, still continuing the collection of fees, and having the fees funded; so that a surplus in one place would cover a deficiency in another.

Mr. HOBSON: Q. Would that be quite fair in those counties where we have to keep up pretty good offices and where the surplus is used to recompense the county for the expenditure on building, lighting, and so on? A. A question might arise in that way. The county has to equip the building. We do not get anything back in these counties.

Q. I see, by looking at your last year's council report, that you have had to pay a considerable amount in Stormont, just in maintaining the registry office? A. Yes.

JOHN NICOLLE, by request of Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. What is your position here? A. With George Robertson & Son, wholesale grocers.

Q. Have you had any dealings with municipal councils? A. No. My experience is pretty much with Division Court clerks, bailiffs and sheriffs, and so on.

Q. Then what do you say? A. I think that with regard to the fees they should be graded on a percentage of the fees collected.

Q. The salaries? A. Yes; they pay more attention when a writ is placed in their hands; they pay more attention to the interests of the litigants, and so on, if the fees are graded in this way. I do not think that the fees should be paid entirely to the officers; that is they should not collect all their fees unless the work is done within a reasonable time. There is a danger now of collections being neglected, of their neglecting the collection of an account which is placed in their hands.

Mr. MASON: To delay? A. Yes; not only to neglect it but delay it as well That is the greatest trouble that we find in connection with our business, with sheriffs and with clerks and bailiffs of the Division Court; the bailiffs particularly.

The CHAIRMAN: Q. You do not say anything about the appointments. Are you satisfied with the present system? A. I think it would be well to have the appointment in the hands of the county councils, as the mayor said.

Mr. MASON: Q. The appointments of whom? A. Of these local officers.

Q. The ones the mayor spoke of? A. Yes; but not sheriffs.

Q. Registrars and Division Court clerks and bailiffs? A. Yes; and if the remuneration were graded on a percentage of the fees, I think it would be a good plan. For instance, a sheriff might not care about going out at night to serve a writ, while it might be most important to have it served that same night. I think he should only have a percentage on the whole fees, graded according to the total receipts during the last five years or so.

The CHAIRMAN: Q. What percentage would you say? A. Allowing a fair salary, let the percentage be fixed according to the amount of business.

The CHAIRMAN: Q. What are the sheriff's collections here, Mr. Mason?

Mr. MASON: A. His total collections were $2,038, and paid out for assistance $525; leaving, net, $1,513.

The CHAIRMAN: Q. What percentage would you say he should have of a $2,000 office? A. I would say about 75 per cent.

Mr. MASON: Would you mean that to include his assistants? A. Well, of course, sheriffs in some counties do not employ assistants.

Q. They must have bailiffs. They must have deputy sheriffs. That $525 includes the entire disbursements; leaving him $1,513? A. In this county I believe that the sheriff's deputy acts as bailiff in many cases.

Q. But I suppose that $500 in an office like that of Frontenac would not be considered out of the way as disbursements from the fees? A. No.

Q. So that you would consider that reasonable? A. Yes.

Q. And it would come out about the same as at present? A. Yes. Of course, in some counties the amount would have to come up to 90 per cent., and others less.

Q. What you would aim at would be to give a fair living remuneration? A. Yes; but not on a salary basis. On the fee basis they are likely to exert themselves more than if paid by salary.

The CHAIRMAN: Q. In the case of Division Court clerks and bailiffs, would you let them take the whole fees?

Mr. MASON: A. They get so little; none enough to live on.

The CHAIRMAN: Q. Would you change that? A. No. Bailiffs, for instance; our experience has been that many of them are neglectful. They do not make returns, and the inspector of Division Courts is continually after some of them.

Mr. HOBSON: Q. You are decidedly of opinion that the fee system is the best for the sheriff, believing that it is a strong incentive for him to carry out the work efficiently? A. Yes.

The CHAIRMAN: Q. You cannot cure the delays of the bailiffs by any process that you know of; you cannot do it by changing the men? A. No; I suppose not.

Mr. MASON: Q. Have you had complaints to make? Do you know of your own knowledge? A. Yes.

Q. Did you complain to the inspector? A. Yes.

Q. Did he attend to it? A. Yes; he is very diligent in that respect.

The CHAIRMAN: Q. Do you think that the matter would be any better if the counties appointed Division Court clerks and bailiffs? A. I think that if bailiffs in this locality were employed by the municipality, and neglected their work so much, men would be found who would attend to it properly.

Mr. MASON: Q. Where the responsibility was divided, assuming that the county council had the inspection, would not there be less likelihood of efficient inspection than where there is one man especially set apart for that purpose? A. I do not want to have any change in the present system of inspection.

Q. You would retain Government inspection? A. Yes.

Q. But what advantage do you think would flow from changing the appointment? A. Of course, the county councils and municipal councils change yearly. I think that an officer appointed by one council would perhaps be afraid that he might be dismissed by a subsequent council, and therefore would attend to his work better than he otherwise would.

Q. The chance of losing his office at the end of the year would spur him on? A. Yes.

Q. And you would have those officers appointed for the life of each council? A. No.

Q. On good behavior? A. Yes.

Q. But liable to be removed by each council? A. If the work were not properly performed.

Mr. MASON: Q. Would not there be a possibility of bailiffs being appointed who would not be in touch with the Division Court clerks and who would not be active and zealous men? A. Yes.

Q. I have noticed it in my own county of Wentworth, where, of course, the bailiffs are appointed by the Government; but it is always understood that it is upon consultation with the Division Court clerk. He recommends as a rule. That is the practice. Naturally, he wants a good man. Do you not think it is better, havingthat in view, that the present system should be continued, rather than have an indiscriminate choice by the county council? A. I think it would remedy itself in course of time. If satisfaction was not given to the clerk, he would report to the inspector.

Q. Then why change at all, if it must eventually end in that? You would not change merely for the sake of change? A. No. The trouble at the present time is that some of these persons consider that they have a lease for life in their offices, and they are careless and do not attend to their work as they should. Sometimes it is of the utmost importance that writs should be served almost as soon as they come into the possession of the officer.

Q. Have you any knowledge of the ordinary county constables, the men that you see at the opening of the courts with long staves; what class of men are they; would they be in your opinion men that you would think of employing in your own business? A. Not as a general thing.

Q. And they are appointed by the council? A. But their duties are of such a trifling nature.

Q. It is a sort of refuge for the halt, lame and blind. I was wondering if we might not drift into the same sort of thing.

The CHAIRMAN: Q. What do you say about license commissioners or inspectors? A. I will not venture any suggestion about them.

Q. That perhaps is all you have considered? A. I would like to see a change, so as to have better service from the bailiffs.

Mr. MASON: You have given us two new ideas to think of.

REV. GEORGE MONRO GRANT, M. A., by request of the Commissioners, appeared before the Board, and being interrogated, stated as follows:

The CHAIRMAN: Q. You are the head of Queen's University here, and how long have you been so? A. Seventeen years.

Q. And you are a native of? A. Nova Scotia.

Q. Educated there? A. Partly there and partly in the old country.

Q. You have lived in this province for many years? A. Seventeen years.

Q. And you have been an observer of our system of government, municipal and parliamentary, naturally. Having a list of these questions before you, the two main points being the manner of appointment and the manner of compensation; generally speaking, what do you say as to the manner of appointment? A. Generally speaking, both in regard to the officers referred to in the list, and perhaps some others, a change would be beneficial. I say so on general principles rather than from anything like the close observation that experts in the legal profession have had. I feel that their opinion is worth much more than mine. My opinion is based very much on general principles that I may state. For instance, I believe it to be undesirable in the public interest that the Government should be cumbered with patronage. I say "cumbered" because the less they have of it the better in the public interest. Again, as a rule decentralization, rather than centralization, is in the public interest in any free country. That is another general proposition. Then thirdly, having noted matters in Great Britain as well as here, I believe that it is very desirable to surround the administration of justice with dignity. Therefore, I think that officials who may be considered servants of judges should be appointed by and amenable to them. These are general principles. Then as to the other subject to which you have called my attention, I think that when fees are charged for services rendered--that is when it is desirable to continue charging fees--all fees should be paid into a general fund, and that salaries should be paid to all public officials. I think that the salary should be in proportion to the amount and importance of the services rendered; and, as the work done increases, so that assistance is required, the assistant should be appointed on nomination, by the chief officer, but paid similarly to the chief.

Q. A fixed salary? A. A fixed salary to be fixed by the Government. Then public offices should not be farmed out to deputies who do the work and receive a small part of the salary. If the official cannot do his work personally he should resign, unless he is permitted to employ an assistant for good reasons.

Q. He paying the assistant? A. He paying the assistant in that case, certainly. I think one other principle is this: That when the people, either directly or through a municipal council or other board or committee appoint to offices, there should be government inspection to secure efficiency and uniformity of procedure; just as there is inspection of high and public schools, although the teachers are locally appointed; just as there is government inspection of factories, although it is the shareholders who appoint to the various positions. These are the general principles on which I have formed my conclusions; but, as to the list of officials named by you—and adding license commissioners, the greater number of these officials are connected with the administration of law and justice; and the opinion of experts should prevail rather than the opinion of one like myself. I am what may be termed a theorist on the subject, yet one who has had his eyes upon what is going on about him.

Q. Then, applying these principles, what officers would you speak of here as being those whose appointment should be changed—taken from the hands of the Government? Apart from the officers of the Courts of Justice, on which you have expressed an opinion that their appointment should be committed to the courts, what change would you suggest, if any, in regard to the rest of the officers, whom you do not regard as administering justice? A. Beginning with license commissioners, I think they should certainly not be appointed by either the Provincial Government or the municipal councils. I think that either way is not good. I think that the old way of appointing them for cities was a much better way. The appointing body consisted of the mayor of the city, the police magistrate and the county judge. Now, these gentlemen represented different bodies of people. The mayor of the city, the head of the city, represents it. The police magistrate knows better than anyone else what houses are orderly and disorderly. The county judge represents the general government I think that they made an excellent appointing body for cities, and that a similarly constituted body might be created for counties; consisting of the warden, the county judge and one other—either the county attorney or a person appointed by the county council. If such a body could not be appointed, I would rather the license commissioners be appointed directly by the people than by the Provincial Government.

Q. That is, let them be voted upon? A. Yes. But I would prefer the people doing it by others, and he who does a thing by another does it by himself. I think that the body named would be the better one; but I would prefer a direct vote to appointment by the Government. Then I think that local masters should be appointed not by the Provincial Government but by the Court of Chancery, because they are the local representatives of the court.

Q. All who are the officers of the courts I understood you to say you would favor being appointed by the judges? A. Yes; while the local officers should be appointed by the Court of Chancery, the petty officers, such as Division Court clerks and bailiffs should be appointed by the individual judges. The county attorney should be appointed by the Attorney-General because he is really the local representative of the Attorney-General So, on the same principle, the local masters would be appointed by the Court of Chancery and the county attorneys by the Attorney-General. Then I think that county officers such as clerks of the County Court, might be appointed by county councils.

Q. But they are officers of the County Court. Should not the County Court judge appoint them? A. No. I think it is enough for him to appoint such as Division Court clerks and bailiffs, who are in a sense his servants. The appoint-

ment of clerks of County Courts might be given to county councils. If we have county councils, it is right to give them as much dignity as possible. Of course, they would appoint on political grounds, just as the Government does; but it is better to distribute patronage rather than load it all on the Government.

Q. But do not you think it would be better to let the judges appoint Division Court clerks and bailiffs, who are the officials of peculiarly local courts, three or four in each municipality; whereas the County Court administers law generally and is presided over by the county judge whose decisions are appealed from to the Court of Appeal. The Division Courts are peculiarly local courts.

Mr. Hobson: Q. Do you think that the county councils are quite qualified to appoint these officers that you have spoken of? Would they carefully consider the qualifications, or would they have that special knowledge which is necessary to select the most suitable men for the position? A. I really do not think that the positions require much ability.

The Chairman: Q. The clerk of the County Court is often also deputy-registrar of the High Court of Justice. Where vacancies occur, the offices are consolidated in that way, and economy is thereby consulted? A. I think it is very important that economy should be considered.

Q. That being so, do you think that the county councils should appoint the clerks of the County Courts? A. I would not have the slightest objection to the other alternative, that the judge appoint them.

Q. Then sheriffs and registrars? A. I think clearly that the proper body to appoint registrars of deeds is the municipality. It may be, however, fairly questioned whether all these counties of the province are sufficiently developed to intrust this patronage to them. Therefore I think it would be well at first to experiment by giving the city councils the appointment of the city registrars; and if that succeeded, it might be extended to all but the most recently organized counties. Then I think that the sheriff should still be appointed by the Provincial Government, for various reasons.

Q. Being the chief executive officer of the law? A. Yes; he represents the Crown, and in his present position the Dominion Government can very well recognize him, too.

Q. That is a very well marked distinction. The Dominion Government recognizes our sheriffs at present. Then on what ground do you give to municipalities the appointment of registrar, if not on the ground of its being a local office? A. On this ground, that the office of the council should be magnified; and if it did appoint on political grounds it would be doing what the Provincial Government does; and, taking it on the lowest ground, it would be no greater a sin, and the sin would be divided, and the temptations would also be divided. I believe that the councils would make just as good appointments as the Provincial Government; and it would be in accordance with one of my general principles, that of decentralization.

Q. If it were desired to fund the receipts derived from the service of registration of deeds all over the country, so as to form one common fund out of which salaries should be paid and equalize, so that the excess from large counties should go to help the deficiency in small counties, or if it were desired to introduce changes in the registry law, by a reduction of the fees for instance, could you work the system by parcelling out the registry offices amongst the different counties? A. I see no objection to the Government having not only the right of

inspection, but also the right of fixing the salaries and reducing the fees as they think proper. I think that the Government has a right to have full inspection of everything that goes on; but the Government should be disembarrassed of patronage to the utmost.

Q. Still, if the Government govern, are not they responsible for proper government in provincial matters? In local government I think you cannot magnify the function of the local bodies too much; but the question is to ascertain whether a duty is a local duty or one of a larger scope, a state or provincial duty? A. True.

Q. In that way, would not the Government be abrocating its functions if it allowed the councils to appoint the officer who administrate a provincial system of registration? A. I feel that as the pay is really by the people of the locality, by means of fees, municipal appointment would be proper.

Q. It is the section of the people who are land holders, it is not all the voters of the municipality? A. But still it is local.

Q. It is a local application of a general law? A. Yes.

Q. Nearly all the general laws are of local application when you come to administer them.

Mr. ROBINSON: It was a great contest in former days, that the Government should have this patronage? A. I do not know the reason.

Mr. ROBINSON: They wanted the patronage.

The CHAIRMAN: The registry office is one of the oldest institutions in the country.

Mr. ROBINSON: Almost before the system of responsible government. It is a question whether government should be burdened with patronage.

Principal GRANT: Responsible government in the old country is carried on with very little patronage.

Mr. MASON: Q. Do you not think it is as well, so far as the ordinary city council is concerned, to have as few elections for office amongst them as possible, rather than too many? A. Oh, there would not be very many.

Q. I have had some experience in a city council, and I found that we always had more trouble in the council when it came to electing a tax collector or a water rate collector, or some little office of that kind, than anything else we had to do in the council? A. I quite agree with you; but the proposal was to appoint city registrars.

Q. So far as that is concerned, the majority of the cities have no registrars. Hamilton, for instance, is part of the county for registration purposes. Do not you think that a difficulty would crop up there; the city paying the greater part of the fees and having no voice in the appointment of the registrar? A. Yes.

Q. Hamilton, for instance, is a great deal more than the rest of the county concerned; and under your plan it would have no voice in the selection of the registrar? A. Yes; there certainly is a difficulty there.

Q. I am afraid there would be a tendency in elections to create bitterness and party spirit in the council. That sort of feeling crops up perhaps more in the election of a person than on any other occasion. You can hardly divide on party

lines in the making of a sewer or anything of that kind; but when it comes to the election of a person, then there is a battle royal. Is it wise, therefore, as you say, to magnify the functions of the councils in respect to this matter? A. I think you have drawn attention clearly to what would be a difficulty in a case such as that of Hamilton. I feel that these difficulties need to be carefully considered by experts. Therefore I said at the outset that I regarded the opinion of legal experts as worth much more than my own. I would not on the spur of the moment suggest an answer to that point.

Mr. ROBINSON: Q. Would you on general principles advocate the advancement of the deputies to the office of chief, say in the case of the registry office or the sheriff's office? A. I do not believe in deputies, to begin with. I think that a man appointed to an office should do the work, and, as the work increased, that an assistant should be nominated by him and appointed by the appointing body. A man might be a good assistant and yet by no means a good principal. The principal is the man who is responsible. I do not think any hard and fast line should be laid down as to that, although it is clear that all men work better under the hope of promotion.

Mr. MASON: The deputy I refer to is a man who has authority to sign or act for his principal, in the absence of his principal. There is not usually more than one deputy. In some cases it is absolutely necessary that there should be one.

Mr. ROBINSON: Q. You are conversant with the system in the United States? A. Only by reading. I have not had actual experience. I would not venture to pronounce upon it.

The CHAIRMAN: Q. Do you think any advantage would result by the nomination of municipal councils of persons whom they thought suitable for appointment to office; the municipalities submitting lists, as it were, to the Government, and letting them choose from these lists? A. Yes; I think it would be a step in advance.

Q. The municipal councils would present the local information which they have, and the Government from their list would select the person to be appointed, or would reject the list if they thought it not properly presented? A. I think that anything along that line would be a reform.

Q. That would obviate many objections which have been made about offices being kept vacant. If offices were not filled within a certain time, for instance? A. I see advantages in connection with that suggestion.

Mr. HOBSON: It might be a check on many abuses.

The CHAIRMAN: If you assume perfect fairness on the part of the county council, that they would submit a list of competent persons irrespective of politics and religion, would not all reasonable objections to the present system of government patronage be practically obviated? Theoretically, of course, objections might remain? A. I would say that it would be a decided reform, a decided improvement on the present plan.

Q. Then, as to salaries or fees; would you favor a fixed system of payment, each officer getting so much in accurate figures, so that the public might know what he gets; or the indefinite system of payment? A. Oh, decidedly, salaries; fixed with regard to the local conditions, the importance of the office and the amount of work to be done.

Q. Several elements to be considered? A. Several elements to be considered.

Q. Grades of salaries in the same class of office in different counties? A. Yes.

Q. Your principle, briefly is, the funding of the fees and the payment of salaries? A. Yes.

Q. And if the Government have the appointment, it should deal with the surplus, and not the municipality? A. Yes; and where they did not appoint, they should inspect, to insure uniformity of procedure and efficiency of service.

Q. Are there any other matters that we have not touched upon? A. I think none others. I merely came because I understood you desired me. I felt that I was not an authority on these subjects; but I was willing to come and give my opinion.

ADAM SHORTT by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Will you just state the position you occupy? A. I am Professor of Political Science in Queen's University. That includes Political Economy and general social science.

Q. And have been so how long? A. About four years.

Q. Is that your first professorship? A. I was lecturer before that.

Q. And educated where? A. I took my Arts Course here at Queen's, and then spent one year at Glasgow and two at Edinburgh.

Q. You are a native of Canada? A. Yes.

Q. Of this county? A. No; I was born in the county of Middlesex, near London.

Q. So that not only from your training, but from your residence here, you have a knowledge of our ways of living, our constitution, and generally of the habits of the country? A. Yes, generally; although I do not profess to have a very special knowledge of the technical legal elements.

Q. But of the constitutional elements? A. Exactly.

Q. It is rather economic and constitutional, I suppose. You have had a list of the questions submitted to you, and know the general scope of them. We are considering certain officers here. First as to their appointment, and second as to the manner of compensation? A. Yes.

Q. The question of appointment is the one that first comes up; as to whether a change can be beneficially made in the present system by relegating it to popular vote? A. Well, as to the registrars of deeds and sheriffs, I think that the appointment should remain in the hands of the Provincial Government. With regard to local masters and county attorneys and clerks of the peace, I think that the county attorneys and clerks of the peace should also remain in the hands of the Government; but local masters should be appointed by the Court of Chancery.

Q. By the judges? A. Yes; by the judges of the court; and that the other minor officials, such as deputy clerks, Division Court clerks and bailiffs, and so on, should be appointed by the County Court judges.

Q. The deputy registrars of the High Court of Justice are officers of the High Court. You would not have them appointed by the counties? A. No; the judges of the various courts should appoint them.

Q. You think that would be better than the present system? A. I think so. The reason why I would not include local masters and county attorneys in the list of appointments by the county judges is that I consider their position very important and as much nearer to the function of the County Courts themselves, and therefore it would not be well to introduce too strong an element of patronage.

Q. The local masters are frequently the county judges themselves; so that it is a judicial office to all intents and purposes? A. Yes.

Q. The county attorneys and clerks of the peace have generally the control of the criminal business of the county; a very important office, as you say? A. Yes.

Q. Formerly the Division Court clerks and bailiffs were appointed by the county judges. You think it would be beneficial to revert to the old plan? A. That is my opinion; although in that matter I do not consider that my opinion should weigh as against that of the lawyers, for instance. I think that the legal gentlemen are the persons to say ultimately, in such cases, what should be done.

Q. Considering how things are at present, have you any such strong opinion about the matter, from a constitutional or other point of view, that you would recommend a change in the manner of appointment? A. I think that in the matter of these legal appointments, taking into consideration the general political conditions of the country, the tendency of our parties and so on—it must be embarrassing for the Local Government, and the embarrassment must grow. Therefore, if the Government were looking at the matter as a question of uprightness and constitutional development, I think they would be glad to get rid of the patronage.

Q Where you find an officer of justice or an officer of the court, you think that the appointment of that man should be free from political influence? A. Yes.

Q And you think that the judges would be a better source of appointive power than the Government? A. Yes.

Q. You base it on that? A. Yes. I would not have any of them appointed by municipal governments; because although such a system might work well enough in some few municipalities in Ontario, yet the general development of municipal government in the province is not sufficient to admit of it all round; and the Government could not cut and carve in the matter.

Q. Then as to the election by popular vote? A. I do not believe in that at all, in our country.

Q. What objections have you to that? A. Considering the broad base of the franchise, the electors are not uniformly sufficiently educated, to begin with, to take a proper stand in the matter; then, too, many of them are lax in their social responsibility in matters of this kind; responsibility comes with education; not knowing the consequences of their action, they do not feel the same responsibility.

Q What is about the population of this county, do you know? A. I do not know.

Q. I suppose it is forty or fifty thousand; is the city separate for municipal purposes? A. Yes.

Q. If you have popular elections, for instance, in a county such as this, where the city is separate from the county for some purposes and united for other purposes, where the sheriff is sheriff for the whole municipality, you would have a difficulty in adjusting the manner of voting? A. Yes; there would be a difficulty there.

Q. Then you apprehend there would be a more serious obstacle in regard to the electorate; take sixty thousand people voting for a sheriff; what sort of electoral machinery would be required; how could you inform them as to the merits of the men who were running for the office? A. I think that nineteen out of twenty would not trouble their heads with the special merits of the men.

Q. Do you think that a ticket would be formed, drawn up by some central power who engineered the whole thing, and that on that the votes would be blindly given? A. If a sufficient number of officers were to be elected by popular vote that would be the natural result.

Q. The proposition is to have the whole of those officers, about a dozen of them, elected at periodical elections? A. In that case the matter would be aggravated; food would be furnished for the local machine.

Q. And the expense would be vastly increased? A. Yes.

Q. And the effect on the people of having elections of this kind continually going on; is that a beneficial thing? A. There is a sense in which it is; if they are capable of taking the matter into serious consideration it is well that they should inform themselves, and that would be an incentive to inform themselves, on these questions; but unfortunately the experience of the United States and of other countries where this method prevails is that they do not take the trouble to inform themselves; that those who do are in the minority.

Q. Do you think it correct, in case of election by popular vote, that the fewer the number of offices to be filled the more intelligent the selection will be? A. Yes; I think so; not of necessity, but simply because it does not afford ground enough for machine organization, and therefore more freedom is allowed; but I do not think it follows from the simple matter of there being fewer offices that there is a more intelligent filling of them.

Q. Take people as they are, occupied in working for a living, can they give the time and act intelligently in choosing a number of officers in the present condition of affairs in this country? A. I think certainly not in the case of officers requiring special qualifications.

Mr. ROBINSON: Q. But the newspapers can supply the necessary information? A. Certainly they could; but if the newspapers throughout the country are like those in a number of counties in this section of the province they would take pains not to spread information.

The CHAIRMAN: They would take sides? A. Yes.

Q. Would it be run on party lines, very much as elections for Parliament are now run? A. Yes; and even narrower lines.

Mr. ROBINSON: Q. They give too much information very often? A. It would run in that line, and would demoralize the elections that we have.

The CHAIRMAN: Q. What objection would you have to the county council; they are the representatives of the people for the county purposes; what objections would you have to their choosing these officers? A. I think that in the case of registrars of deeds that might not be a bad system if our municipal system were thoroughly organized all over the province; in the cities the organization is necessarily pretty complete, and also in what may be called the frontier and western counties of Ontario; but Ontario is a large district; nearly nine-tenths of the area is not yet organized, and many peculiar questions must crop up in the northern parts of Ontario in regard to mineral lands and so on, that would leave the county councils with a large power and small constituency; and in many cases they would be composed of men who could not take a proper view of the situation in the matter of information, and so on.

Q. Then take another aspect; do you think that the county councils, consisting as they do of from twenty-five to fifty members, do you think that they would be actuated by the same sense of responsibility in making the appointments as a smaller body, say the Cabinet, consisting of six or seven members? A. I should not like to dogmatize on that point; they might or they might not.

Q. What is the general opinion on that subject; is not the sense of responsibility supposed to be sharpened as the numbers are diminished? A. Yes; that is the general principle, and I think it is a good one.

Q. That is the general experience; a small committee is more responsible than a large one? A. Yes.

Q. Then do you think that appointment by Government would be accompanied by a greater sense of responsibility than appointment by the county councils? A. It should be.

Q. County councils being fluctuating bodies; they fluctuate every year; would that sort of fluctuating body be possessed with the same responsible characteristics, looking at it from a constitutional point of view, as the Cabinet? A. I think that the Cabinet should be more responsible, and certainly more free from local influence; local influence must have a great deal to do with the regisgistration of deeds in certain instances; deeds covering a large territory, and so on.

Q. Then the Cabinet need to know local requirements and need to know the qualifications of local men; I suppose a choice ought to be made from local men as far as possible, or what do you say as to that? A. I cannot say that I favor that view; I know the idea is prevalent in this country and the United States; but I think it is quite a false view; the man should be chosen from wherever he can be got in the country to fill the office to the best advantage.

Q. But if you have a county with competent men you would prefer to appoint one of them? A. Oh, yes.

Q. But taking it that there is one man clearly suitable, head and shoulders above all others, the fact that he is not a resident of the county should not be a bar? A. No.

Q. But assuming that there are competent men for the office in the county, how would you advise the Government to possess themselves of the requisite knowledge for making such appointment? A. Assuming that the nature of the

duties is much the same in the different counties, I suppose the only way would be the informal method. I cannot conceive of any formal method, such, for instance, as appealing to the member for the county.

Q. Suppose nomination by the county council? A. That might be admissible. Nomination by the county council and appointment by the Cabinet. I do not see any particular objection to that.

Q Do you see any particular advantage in it? A. I do not know that I do, if the Government have means of knowing the men.

Q. You say "informally"; that would be how? A. No prescribed method being laid down. The Government should possess itself of the information as best it could.

Q. Governments have facilities for obtaining information as great as any other body could have. Then, looking at the Division Court clerks and bailiffs, they are of course purely local officers, and in this county there are five or six courts; the territory is cut up into these small areas so as to enable each local business centre to have a court. In regard to Division Court clerks and bailiffs, do you see any advantage in having the county councils appoint them? You speak of judges making the appointment. That was formerly the practice. It is now in the hands of the executive. If a change is made, instead of to the judge, do you think any advantage would be derived from letting the county councils appoint to these local courts clerks and bailiffs? A. I have no definite opinion in regard to that. If the courts are not to appoint I do not know that it would make much difference whether they are appointed by the county council or the Cabinet.

Q. In the English borough system, the present rule is, to let the councils nominate or appoint the subordinate officers of the lower courts, and the judicial officers are appointed by the executive? A. Yes; these boroughs have more of a judicial nature than our county councils, I think.

Q. The borough government is analogous to ours. It is a municipal government. Of course there is a difference in development between the two countries; but, comparing the two, I was anxious to know if you thought there could be any analogy derived from the English system? A. Some perhaps, but not very much.

Mr. Robinson: The system has been changed in the case of the London county council.

The Chairman: Yes, as to London; but that is peculiar. In the case of larger jurisdiction, which covers the county, and of which the sheriff is executive officer, you see no reason for giving his appointment into the hands of the county? A. No.

Q. What observation would you make as to these officers if local or provincial or state officers, would you call them provincial or local officers? A. They are rather provincial, I think, from the nature of the courts and the cases that are tried.

Q. And so registrars? A. Yes; it is a provincial system.

Q. It is a general system which is part of the land system of the country? A. Yes.

Q. And in that sense you would class it as a provincial system? A. Yes.

Q. And the others are all obviously so, except perhaps the Division Courts, which are perhaps local? A. My reason for the view I took in regard to the courts is that the judges are in a better position, I think, to know the needs of the system and also the merits of the men.

Mr. HOBSON: Q. Does not it strike you that judges are only human, and that they might incline to appoint their own friends? A. Quite so; so are all those who appoint to offices; they are all human; but the judges have less to gain in an appointment of that kind?

Q. They might appoint their personal friends? A. I do not know that there is any particular objection to appointing personal friends if otherwise competent.

Q. I think that the Government would be more free from local influence than the county council: would not the same argument hold good, that the Government is more free from local influence than the judges? A. I cannot see that if the judges do not depend for their position on the popular vote.

Q. Would not it be putting the judges in a somewhat awkward position? Having very little to do in the way of patronage, they have never given the public an opportunity of making charges against them; whereas, directly you throw much patronage in their hands, you put them in a position to be found fault with? A. If you put very much patronage in their hands, and a high class of patronage; but it does not seem to me that there would be a sufficient amount in this case to raise the question; although I do not maintain that it might not arise.

Q. The bailiffs and clerks of the Division Courts—do you think that the nomination might not be as safe in the hands of the county council? They are in a measure local. Representatives of the section of country where the bailiffs are appointed would have a pretty good knowledge of the residents. Do you think that nomination would not be as safe in the hands of the county councils as in the hands of the judges? A. I do not think that county councils are in quite as good a position to know the needs of the office.

Q. No doubt you are right as to the higher officers; perhaps you are as to the others, too. A. We see from actual experience that many of those elected to offices of which the electors know very little, are incompetent for their places.

The CHAIRMAN: Q. Other officers have been mentioned during the investigation license inspectors and license commissioners. Have you considered these so as to speak concerning the matter of their appointment? They are appointed by the Government now. They were elected by the councils, and the change was made? A. I think that generally the election by the councils was not a good plan, because they are open to local pressure in a matter which is very much agitated. The pressure was too great in many cases, and led to abuse. I think the Government was justified in overcoming the evil by taking away the power of appointment; but I am not sure that these officers might not be appointed by other bodies. For instance, they were, I believe, appointed in the cities at one time by a body of three—the police commissioners.

Q. That is in cities? A. Yes. In counties they should be appointed by the local Government; but there is a difficulty, of course, in making a distinction between the cities and the counties.

Q. Then what do you say as to these officers having a right to the franchise, and as to their interfering actively in political contests—electioneering? A. I do not think that any of them should interfere in elections actively.

Q. Would you deprive them of the right of voting? A. No.

Q. Let them vote, but let them not actively interfere? A. Yes.

Q. Then, subject to what my brother commissioners may ask, I will go on to the matter of remuneration. It is not proposed, so far as we can ascertain, to stop the collection of fees for the services rendered. The question is, shall the officer receive the fees, and to what extent that shall go; shall there be an absolute limit, or a limit and a percentage over? That is the line of inquiry. What do you say as to the manner of compensation of any or all of these officers? A. It seems to me that the fees should still be collected; but I think that the various officers should be paid by salary; not necessarily an absolutely uniform salary for every county or every locality, but that the Government should regulate that matter as they see the needs of the place require.

Q. That is, the salary to be paid out of the fees? A. Out of the fees, perhaps, as far as the fees go.

Q. And supplement the fees where they are not sufficient? A. Let the fees go to a general fund, and let the salaries be paid irrespective of the fees.

Q. You would not have the fees go to a special fund? A. No, I think not; but I think that whatever regulation is made for salaries should be determined somewhat by the business done, that is, determined by the fees collected.

Q. Broadly speaking, the only cases in which officers collect more than sufficient to pay a living remuneration would be those of registrars and some sheriffs. All the rest of the officers do not collect enough to give them a fair living, even if they take the whole fees, except perhaps county attorneys. You know that there was a change last April as to registrars, by which registrars are allowed to take to their own use the fees up to $1,500, and after that they pay over the surplus, with a certain percentage deducted, which is a sort of commission on the amount. The sheriffs are dealt with in a similar way, the limit in their case being fixed at $2,000. Can you suggest a better way? A. I do not see that there is a great deal of difference between that and what I propose.

Q. You think that is not objectionable? A. No; except that I think it would perhaps be better to obliterate the connection between the office and the fees by paying a salary independently of the fees.

Q. You think that a fixed salary should be given—say that a registrar gets $1,600—and the public would know that he gets that and no more? A. Yes.

Q. That would be more satisfactory to the public mind, that is to conciliate the public, as it were? A. Yes; because it is a matter that the public cannot follow up, this matter of scales.

Q. That is, the farmers and country folks. Then in fixing the amount what elements would you take into account? You said it would depend on the locality, and you would not have the same fixed sum for every officer in a class. How would you fix the amounts? A. I think that should be determined by the amount of work to be done.

Q. The amount of fees received from the office? A. Not always the amount of fees, unless the fees are perfectly uniform. In the matter of registration I think the fees are uniform.

Q. So are those of the sheriff; they are fixed by tariff. A. There are cases in the Surrogate Courts where the fees vary.

Q. Depending on the amount of the estate? A. Yes. I do not think that a good principle. Although the fees may vary with the amount of the estate, yet all should go to the Government, and the salary paid should have no reference to them.

Q. Then in fixing the salary, have you any average that you would say, any amount that the registrar should have and that the sheriff should have, generally speaking, modified by local conditions, but an average salary? A. No; I have not.

Q. You think that all these officers should have salaries and not take fees to their own use? A. I think so.

Q. Even if their salaries have to be supplemented out of the general revenue? A. Yes.

Q. And you would have the officer attend to that work and that only, not to engage in any other employment? A. I am not absolutely sure about that. I am not familiar enough with the details of the work of some of these lower officers.

Q. In the case of Division Court clerks and bailiffs, there is a set of officers for each little division and the fees are not enough for a living. A man may not get seventy dollars a year out of it? A. Probably.

Q. Would you change the fee system in the case of the Division Court clerks and bailiffs, or would you let them take all the fees they could get? A. I think that they should have a salary, but I would not prevent their engaging in other occupations.

Q. Then their salaries should be paid by the appointing power? A. Yes.

Q. If the Government appoint, the Government to pay salary; if the county council appoint, the county to pay salary? A. Yes.

Q. It would be a charge on the general public, as you are putting it now? A. Yes.

Q. And the revenue from the different offices would be used to recoup the Government? A. Yes; as far as it went.

Q. Then your idea contemplates a shortage in the amount of fees, a deficiency made up by the general revenue? A. Probably so.

Q. Do you advocate an increase of fees, so as to make the office self-supporting? A. That I could not say, unless I had gone into the matter more fully, to know what the actual return from the fees is. I am not very well posted in that.

Q. I suppose that none of those offices—probably grouping all of them except the registrar of deeds—I suppose there would be a shortage in the revenue of the offices to pay an adequate salary; but, taking all the country over, there is a clear surplus in the case of registrars of deeds. Would you fund that particular sum, derived from that source, and pay the registrar's salaries out of that all over

the country, there being a surplus from that fund which might probably go to the repairs of the offices, the furnishing of books, and so on. Would you deal with it as a special thing? A. I do not think I should favor paying the salaries out of the funded amount. I think they should be a general charge on the revenue.

Q. A great many people in the country are very strong about that; they say "Why should we pay for the registration of deeds? We do not buy land or borrow money. The people that get that service, let them pay for it." Would you disregard that opinion and say it is not well founded? A. I think it is not well founded. The matter is one of essential interest to everybody.

Q. No doubt the country at large incidentally benefits by it; but no people that we have come across have grasped that idea yet. They all say: "Let the men who get the service pay for it." A. No doubt; but I do not agree with that.

Q. If you have to educate your people up to that, I think there is not much immediate prospect of a change? A. Would it not be possible to combine two or more of these smaller offices?

Q. Yes; that was done in former times, and some might be combined yet; the offices of registrar and sheriff might be combined, or some combination like that.

Mr. MASON: Q. I understood you to say that you thought the salaries should be fixed, and need not necessarily be uniform, but should be to some extent proportionate to the work or business done? A. Yes.

Q. As that work and business done fluctuates so greatly in all these offices, how would you arrange to follow the fluctuations in basing the salaries? A. In most cases I understand that when the work comes up to a certain standard certain assistants have to be appointed—the number might fluctuate with the work; and I believe in the appointment of the assistants on the same principle as the appointment of the principals.

Q. That is, that they should be treated as disbursements taken out of the total? A. That the deputies should be appointed by the same authority as the others.

Q. Not by the chief officer? A. No. And paid in the same way. Then the number of deputies might vary.

Q. And the copying clerks and other assistants? A. The copying clerks should be appointed by the registrar.

Q. But not the deputies? A. No; not those who are personally responsible.

Q. But how would you regulate these salaries which you say should be fixed and yet should vary? A. The variable amount to be covered by these secondary payments to assistants.

Q. If you take the returns you will see that they vary very much from year to year—the work done in the respective offices? A. Then you would take the average. In the matter of commuting the fees into salaries, that is a principle which is recognized.

Q. An average? A. Yes; for a number of years.

Q. And that average to be subject to revision every now and then; would you consider that to be permanent, or would that be revised from time to time? A. Well, it might be if the county, for instance, in which the registrar was appointed, developed very rapidly.

Q. As a matter of fact, it has been found that in nearly every case, if not in every case, of commutation, so far, the fees have been less than they were before the commutation, and upon which the commutation was based. How would you reason that out or account for that? A. I do not know, unless the parties interested saw that they were going down, and therefore wanted to get them commuted.

Q. No. Taking the five years previous, they commuted on that; and in every instance the next three or four years have gone below the previous average? A. I don't know, I am sure.

Q. Might it be because there was not the same incentive to collect all these fees, having a fixed salary? A. Well, it is just possible. I remember one instance in western Ontario in which some objection was raised, and I think the registrar was finally unseated on account of overcharging, when paid in fees. Under the salary system undercharging would be possible; but it is impossible to frame a principle on either ground.

Q. It is not so much a decrease in the fees as less diligence in collecting all the fees? A. I think that could not be recognized as a ground for maintaining the fee system.

Q. From a constitutional way of looking at it? In other words, you think that all these appointees should be just as diligent on a salary basis as on a fee basis? A. I think that is the only principle that can be recognized in framing a law. If you find that certain individuals are not performing their functions properly, then it is the duty of inspectors to look after them.

Q. It has been said as one of the reasons why the sheriff or registrar should share in the surplus, that the fact of their having a right to share is an incentive to greater diligence and zeal in their work? A. I do not think that such extra incentives to duty should be recognized in law.

Q. But as a matter of fact and practice, and as a fact of human nature, taking the ordinary man, do you accommodate yourself to human nature? A. I have no doubt that there might be something in that; but my difficulty is this: If you once recognize that the simple discharge of duty requires extra payment, you cannot afterwards raise the same objection to a man for neglecting his duty in case he has no special incentive. It is putting an official premium on common honesty. You must admit that although many people do not come up to the standard, yet you have to recognize a standard of common honesty.

Q. But is not that too strong a term? Might not a registrar or sheriff, more especially a sheriff, be placed in a position of this kind? There are cases where he might not be blamed either one way or the other if he did not do a certain thing; and if he were not paid for it by fees he might say "I may as well not do that; I think I will not do that;" whereas if he were paid by fees he would have a greater interest in doing it? A. That might work the other way —that he would insist on fees where he should not get them.

Q. Then he is liable. That is one of the responsibilities that he has to assume; he is liable for an action of damages if he collects fees improperly? A. But I understood you to say that there was a margin where there was neither responsibility or blame.

Q. Yes; where he might say, "I am not obliged to do that, and therefore I will not do it: I am paid by salary"? A. I do not think that in that case the Government or the country would lose.

Q. The country might not, but individuals might. For instance, somebody wants to get out an execution at seven or eight o'clock at night, and goes to the sheriff. The sheriff says: "My office hours are ten to four. I am not obliged to go out. Come to my office to-morrow at ten, and I will serve this." But if he is paid by fees he would say: "Oh, yes, I will hitch up and go right out in the country and serve that." As a matter of fact that is constantly occurring? A. I see no objection to the Government making a general principle of that—an ordinary tariff of fees; but in cases where the officer is obliged to work out of hours the fees should be increased.

Q. But they are quite willing to do it now for the ordinary tariff of fees. They do a great many things out of hours because they expect to reap personal benefit by it? A. Do you mean that men would not do it if it were required of them, in urgent cases?

Q. I do not think they would, from what they say, if they were paid only by salary and their hours fixed by law? A. Then I think, in that case, that these officials are not as sensitive to duty as are many persons who are paid salaries.

The CHAIRMAN: Q. Your answer is that the law should be changed, that the officer should execute the writ irrespective of office hours? A. Yes.

Q. You would remedy it in that way instead of by fees? A. Yes.

Q. And you would not as a principle favor an officer receiving the fees of his office? A. No, I think not.

Mr. BROOKS: Q. You would have the law carried on on the principles of right and truth and justice, and not on the frailties of human nature? A. I cannot recognize any other principle of law.

Mr. HOBSON: Q. There is an increased risk according to the ratio of the business in the office. If a registrar or sheriff on salary has to run that risk—if with an increased number of assistants he is responsible for mistakes which may be made by any of them—does not it seem reasonable that there should be some way of recouping him for the risk he is running? A. No, I think not.

Mr. MASON: Q. It would be understood that the salary covers that. A. Yes. Responsibility cannot possibly be measured or increased in that way, I think; that is, the sense of responsibility. That or any risk of that kind cannot be paid for or measured by a money standard.

Mr. HOBSON: Q. It is suffered by a money standard? A. Then that is a matter connected with the general supervision of their office. If they are incompetent to manage it they should give it up.

Mr. MASON: Q. I do not think you have expressed any opinion as to whether these officers should be as nearly as possible self-sustaining. The registry office, for instance: that is, that the fees should as nearly as practicable

be made to keep the office self-sustaining; any more than that it should not cost more than absolutely necessary to register a deed or mortgage. I refer now chiefly to the older settlements? A. Yes, I think that might be recognized.

Q. As a principle? A. As a principle. But then there are cases in which there might be a surplus.

Q. That is just what I was coming to. Assuming that as a general principle an office like a registry office should be self-sustaining, and suppose a surplus arises, I presume the true theory, if it could be managed, would be to return it proportionately to those who have paid? A. No, I do not recognize that. For instance, it might be that by paying the same amount in a smaller or less fortunate county there would be a considerable deficit. The surplus from the more fortunate should help the less fortunate.

Q. You do not recommend in any way a return to the persons who originally paid? A. No.

Q. Then that removes, in your opinion, any claim that the municipality would have for the return to it of the surplus, as being close to the individual A. Yes.

The CHAIRMAN: There is no surplus, in the way you are putting it. This would go to the Government? A. Yes.

Mr. HOBSON: Q. You are aware that the municipalities have to bear the burden of providing and equipping offices. Would you be in favor of the government doing that—providing registry offiices and repairs? A That is a matter on which considerable argument might be advanced on both sides. I could not answer that off-hand.

The CHAIRMAN: Q. Would it not seem fair that if the Government got all the revenue from the office they should keep up the office? A. That certainly looks reasonable. But we have several examples in our constitution of one power determining something and another power paying the expense of it.

Q. At present the municipalities get the surplus, and keep up the building. If a change were made so as to give the surplus to the Government, one would think that the municipality ought to be relieved from the burden of keeping up the buildings? A. Yes, there is a great deal in that. On the other hand, the fact that the office serves that municipality, and that alone, in a sense, might lead to the result that the municipality should support the mere building, but the quantity of work done, and the appointment, and all that, being on a different basis, the province might take it up. But I have no definite opinion on that matter of keeping up the buildings.

Q. There are some statutes in Canada and some in the United States—I am not sure whether there are any in England—providing for the payment of salary, and then up to a certain amount allowing a percentage on collections of fees over that to the officer. As I understand it, you think that is not justifiable legislation? A. I think it is not.

Q. You think that the officer getting a salary should get no compensation above that for doing what is really his duty? A. I think not.

Mr. ROBINSON: Q. I think you are in favour of the appointment of deputies by the Government? A. Yes.

Q. Would you then favor a system of promotion of them to a higher office? A. I think that should be left entirely in the hands of the Government, if they found that the deputies showed themselves competent they might be promoted.

The CHAIRMAN: Q. Depending on the man? A. Depending on the man.

Q. Do you think it is a sound principle to apply generally, that where you have a chief officer who is responsible for the department it is well to leave his deputies to be appointed by some outside body and not put the appointment in his own hands? If you put it as a matter of business, you would give the man who is running a department and responsible for it the entire power of appointing his subordinates, and paying them; thereby obtaining better subordination and efficiency. Would not you apply that principle to the registry offices? A. There is reason in that; and I think it should be the policy of the Government to consult a principal in the appointment of a deputy, but that the actual appointment should be made by the Government.

Q. Why? What would induce you to give preference to that view instead of to the other? A. I was thinking of the matter in reference to the salary, looking at the country as it stands now. Looking at several registrars and sheriffs that I have in my mind's eye, who appoint their deputies and leave them to do the greater part of the business, they virtually get their business done by their deputies, although they retain the responsibility themselves, and the greater part of the emoluments; and there does not seem to be necessary limit in the matter of such appointments or the number of deputies; the matter being determined largely by the fees of the office. If the fees are large, and the work not proportionately increased, it is possible for a principal to retain a handsome salary for himself and yet have the work done by others. On the principle of paying a definite salary in proportion to the work, and then paying deputies' salary as the increase of work requires, there does not seem to me the same objection to the principal appointing his deputy.

Q. If the principal gets a salary, and he is responsible, and necessary assistance is required, would you let him appoint his deputies and pay them out of the fees coming into his hands, subject to inspection and regulation? A. I do not think I would have him pay them. I think the salary for the deputy should be fixed. I do not see the same objection to his appointing his deputy, supposing that the entire responsibility rests on him.

Mr. ROBINSON: Q. It would be likely to lead to a conflict of authority between the deputy and the chief if the deputy were appointed independently of the registrar and independently of the Government. He would act in his office quite independently of the chief? A. He would assume that he had a responsibility of his own

The CHAIRMAN: That is not the system.

Mr. HOBSON: Q. You could not carry it right down to all the assistants.

The CHAIRMAN: The Government could not appoint assistants.

Mr. SHORTT: I must confess that in the case of deputies I was looking at it from the point of view of the fee system; but, changing the fee system into a salary system, the objection vanishes.

Mr. ROBINSON: Q. Have you been in the United States under their present system? A. I have never resided there. I have simply been there for short periods.

Q. You are decidedly opposed to popular vote for these officers? A. Yes; I have made it a point to read up this question; and it seems to me, from all I can gather, that the working of the popular vote is not good at all.

Mr. BROOKS: Q. Do you approve of the chief of these officers being held by men receiving large salaries and being able to hire the work done for perhaps one-tenth of that money, and pocketing the difference themselves? A. That is not desirable from any point of view; but you cannot prevent and I would not care to prevent, a man who is thoroughly responsible for the office from getting any number of assistants that he cares to pay for. But in the matter of appointing assistants who are to be paid by the Government, that should be determined entirely by the surplus of work. There should be a certain amount for which the principal should be responsible.

Q. You would have the chief of the office work in the office himself? A. It is not always absolutely necessary, if he is responsible.

The CHAIRMAN: Q. He should do such share of the work as represents the salary he receives? A. Yes.

Mr. HOBSON: Q. Here is a difficulty: You need two men, and yet for weeks there is not more than enough for one to do? A. These are matters which the Government cannot follow up in detail.

The CHAIRMAN: Q. Is there any other matter which we have not touched on and that you have been thinking of, that you would like to communicate to us? A. No; I do not know that there is any special point.

RICHARD T. WALKEM, Q.C., by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Mr. ROBINSON: Q. You have been an alderman for some years? A. Yes.

Q. Have you seen this list of questions? A. I have. I saw them in the newspaper last night.

Q. Then we will ask you what is your opinion touching either the nomination of the respective officers whose names are on the paper, and appointment by the Government or by the county council? A. I will take the registry office. I was talking over the matter with my brother. He and I both came to the conclusion that there would be no objection to the registrar being appointed by the county council, and that that might be the fairest mode of appointment.

Q. Why fairer in your opinion than the present mode? A. Because the office is almost entirely a local one. Of course the Government should have proper supervision over the officers.

Q. A Government inspector as at present? A. Oh, decidedly. It would never do to depend for inspection and supervision on the municipalities.

Mr. HOBSON: Q. Take the case of a county, in which there are cities. Would you suggest joint action in the matter of appointment? A. That is another question.

The CHAIRMAN: Q. Where there is a city and county having one registry office?

Mr. HOBSON: Q. Take Hamilton, with a population of 45,000. It has a much greater interest than the county has? A. The plan would not answer in that case unless there was joint action on the part of the city and county municipalities.

The CHAIRMAN: Q. You would need a separate registry office? A. I think so. But I would not advocate it in that case. Some joint action might be taken.

Mr. ROBINSON: Q. Does not the office sometimes require a gentleman of considerable skill to fill it, one who can deal with the registration of plans, and has a knowledge of the registry law? A. It is a knowledge that I think can be acquired in a short time. I do not regard the registrar's position as requiring the same skill and knowledge as that of some other officers.

Q. There is at times considerable responsibility attached to the duty. Has your registrar to your knowledge been brought into any difficulty by suits against him? A. No; neither of the registrars.

Q. What do you think as to payment; should it be by salary or by fees? A. By salary, I think. A graded salary.

Q. Is any complaint made among you gentlemen as to the amount of fees charged? A. No; I have heard no complaint amongst the profession.

Q. You would agree to pay the registrar a respectable salary? A. I think so; and that should be graded according to the importance of the position the officer fills. In large counties, where the work is important, I would give him more.

Q. Would you have his deputy paid a salary by the Government as well? A. I think so. I certainly would not impose that burden on the registrar. I would give him such assistance as he required to perform the duties of his office.

Q. And have the assistants paid by the Government? A. Yes.

Mr. MASON: Q. What would you suggest in the case of counties where the receipts are light? A. There, I would advocate a pooling to some extent of the fees, in order to make up deficiencies.

Q. How could you pool unless you keep the registry system as a department of the Provincial Government? A. I think you would have to do that.

Q. To pool? A. Yes.

Q. You could not do that if the municipalities controlled the funds? A. No.

Q. Or if you were going to reduce the fees by some general system over the country because you had too large a surplus, you could not do that unless there were a provincial system? A. Certainly not. I think the fees would have to go into the hands of the Government under the system I speak of.

Mr. HOBSON: Q. Do not you think it would give rise to a great deal of complaint from the people living in these counties where there was a surplus of fees, because the county would have to bear all the expense of keeping up the office, whilst the surplus of fees went to another county? A. I think they would have to sacrifice a little for the benefit of the general system.

Mr. BROOKS: Q. The counties might object very strongly? A. They might; but I think it should be done, notwithstanding that objection.

Mr. ROBINSON: Q. Have you been in any section of the United States where these offices are held by persons elected by the people? A. I have not.

Q. But you are opposed to that? A. Yes.

Mr. MASON: Q. Do you think that the officers connected with the administration of justice should be appointed by the Government or by the councils? A. In all cases, as far as possible, by the Government.

Q. In all cases where the official has to administer the law? A. Yes; I think those officers should be as independent as possible.

Q. Independent of the locality? A. Yes.

The CHAIRMAN: Q. Do you think that the Division Court clerks and bailiffs should be appointed by the county councils? A. No; I would rather see the appointment of these officers in the hands of the judges, as was the case under the old system. The old system worked well.

The CHAIRMAN: Q. Many county judges whom we have heard do not prefer the old system. Judge Kingsmill said it was a relief to get rid of these appointments, because when complaints were made to the judges they were disposed naturally to side with the officer that they themselves had appointed, and that the inspection was more free and effective: and he thought the present system a better one. But supposing that the judges are not charged with that duty, do you think that the county councils could advantageously appoint? A. Then I think it would be just as well to leave it in the hands of the Government. The abuse that is complained of now is that the appointments are made on party grounds. I think the end of it would be, with the county councils, that it would be exactly the same thing, and you would have the officers less responsible.

Q. Have you heard of any complaint here or in the adjoining localities as to any of these officers embarking in active electioneering tactics? A. I have heard of very little indeed—in fact, of none definitely.

Q. Then in speaking of the political aspects of this question, you mean as to the appointment? A. It is impossible to restrain them from taking some little part in politics; but I do not know that it has come to my knowledge that they have ever openly taken sides. They, of course, have their sympathies, and they are in a position to exercise considerable influence.

Q. As to license commissioners and inspectors? A. I do not know. I think that the present system is as fair a one as you can get, all round. I know the objections, based on the same grounds; but I do not know how you are to improve it. In all the municipal appointments you will have the same element creeping in, as the one side or the other is the more powerful in the county council.

Mr. ROBINSON: Q. Would you have the county-attorney and clerk of the peace paid by fee or by salary? A. I think I would pay all officers of the court by salary.

Q. What is the character of your officers here? A. We have had a very respectable lot of officers I cannot say that I have heard for a long time of any one of the officers having abused his position. Local masters and some of these officers I prefer having appointed by the Superior Court judges, if we could manage it. Outside of that, it is better that they should be appointed by the Government.

J. W. JOHNSON, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You live in Belleville? A. Yes.

Q. You are principal of the Ontario Business College? A. Yes.

Q. What municipal offices have you filled? A. I have been alderman and chairman of the executive committee of the Belleville City Council. Mr. Fleming handed me these questions, and I have noted down some points in regard to them. I think that the appointment of the officers mentioned in the first question should continue in the hands of the Government. The duties are not municipal, they are provincial. Efficiency, with dignity and courtesy, should mark the intercourse of the official with the public. I think this would not be so well secured if the appointment came from a lower source than the province. As a rule, we find competent men appointed. A change would bring no improvement. And if there can be no improvement there should be no change. The argument that the officers in these positions perform local services and should be under local control is no more applicable than it would be to the Customs House or Post Office. There can be no proper supervision without provincial appointment. The municipality cannot afford an inspector.

Mr. HOBSON: Q. There can be local appointment and provincial inspection; they are not incompatible? A. I presume that if there were municipal appointment there would be municipal control and supervision. I would retain Government appointment of the officers who are named.

Q. Do you add any others? A. No. That covers down to question number four. In answer to that question, I am opposed to the fee system of paying officials. Under it, we have been acting on the principle that certain favored members of the community may derive an income from the people and render no equivalent in service. I know of no reason for the existence of the office except that there is work required to be done; and I cannot conceive of any other reason for the appointment of a man to that office except to do the work. No other principle would be tolerated in managing a business. A bank, or a loan company would never appoint a man to be a manager and suffer him to derive an income from the position and do the work by deputy; and sound business principles I think ought to mark the business of the public as well as private business. In Dominion appointments the man is put in the office to do the work of that office. What should we think of a postmaster or collector of customs neglecting his work to practice as a physician or to keep a drug store? Provincial officers do that sort of thing, not because it is right, but because it is possible under the fee system. The custom is a bad one which has grown up. The fees exacted in the various offices are reasonable for the services performed, and should, I think, pass directly to the provincial treasury; from which a liberal salary should be paid to the officers, who should attend at their office during fixed hours and personally perform the labor connected with it. Deputies are necessary for some of the offices, simply because the principals do not attend to the duties. A change such as I advocate would render deputies to a large extent unnecessary; and only clerical help would be needed. For such assistance payment should be made out of the provincial treasury at a rate equal to what is paid now, and the appointment should be with the Government. Then the offices would cease to be the property of the incumbents, which they practically are now. These are all the notes I have made on the question.

Q. Then you treat the fee system as one vicious in its principle. Take, for instance, an officer who is a registrar, and collects $1,000 out of the fees. Would there be anything wrong, he doing the work, to receive his compensation in fees instead of in salary? I do not just apprehend why you make a distinction in principle between the salary and the fee system? A. It is the point I alluded to at first, that offices exist not because there is work to be done.

Q. Just in connection with that: The mischief that you are aiming at is that a man is appointed by the registrar, and the registrar does not do the work himself, but farms it out? A. That is the idea.

Q. That is an abuse of the present system; that is not a necessary incident of the fee system. It is because a man does not do the duty to which he is appointed. If a regulation were passed that the officer appointed shall be the working head, shall discharge the duties of the office during the time appointed, inherently there would be no wrong in his receiving the fees? A. Of course, I look at it from the practical results that I have seen.

Q. That the fee system gives the opportunity of abusing the office? A. Yes. That abuse exists as an outcome of that system.

Q. If a man receive a liberal salary, as you suggest, and out of that salary he can manage to get a couple of clerks to do the work, what then? A. I would not permit him to do that. I cannot conceive of any reason for a man being appointed to an office except to do the work.

Q. You would have to apply the same checks to give the result in the salary system as you would in the fee system; that is, if a man gets a salary, it is on the condition that he does the work personally? A. Yes.

Q. And if he gets the fees, it is on the condition also that he does the work personally? A. Yes. The man appointed to the office should perform the work himself. If there is more labor than he can personally perform, there should be clerical assistance, but not deputies in the sense of the chief being absent from his office.

Q. There must be some latitude in the offices. The head cannot be there always. For instance, he may be sick; there may be necessary vacations; there are occasions when he has to carry documents on subpoena to the courts? A. In that case I think the official next to him, as in a bank, will act for him in his absence. There ought to be clerical help in the office. Of course, I know that one registrar cannot accomplish all the work in a registry office. He must have assistance; but the officers so appointed should be appointed by the Government and be under its supervision; because in my view of it, as it is now, a man is appointed a registrar, and he practically becomes the owner of the office. I have known registrars who have carried on a legal practice or carried on some other business, and seldom went near the registry office.

Q. That is where the salary was not sufficient to keep a man apart from other duties? A. No. In this county it has been the case.

Mr. Hobson: Q. In what way would payment by salary get over that? A. He would be paid simply for the work he performed.

Q. Is not that the case when he is paid by fees? A. Suppose the fees amount to three thousand dollars. If he hires help to do the actual work, and that only costs him say one thousand dollars a year, he pockets two thousand dollars a year

of the people's money, and does not give any equivalent in service. I would pay that office so that the man appointed would be liberally remunerated for the work he actually performed. If he required assistance in his office he would obtain it just as the post office or custom house officer obtains it.

Q. But under the present system, if complaints were made that the head of the office was not giving personal attention to his duties, have you any reason to think that the matter would not be put right; or would it be any more easy to put right under salaries than under fees? A. I think it would; because we have been accustomed to see this sort of thing exist.

Q. In this particular county. We have been making inquiries and we find it to be something quite exceptional? A. We know that the registrar of this county carried on his legal practice here and did his work by deputy for at least a quarter of a century. I think I can safely say that that has been characteristic of offices elsewhere.

The CHAIRMAN: Q. Do you object to the present plan that the Government has of letting registrars draw from the fees up to one thousand five hundred dollars, and a percentage over that amount, the balance going to the municipality? A. I think that the fees should all be turned into the provincial treasury, and that a salary should be given for the actual work performed.

Q. Then you would charge the general Government with the care and maintenance of the registry office, the supply of books, and so on, things that are now done by the county? A. Yes; if the fees passed to the provincial treasury there should be provincial maintenance.

Q. Your scheme would disconnect the registry office entirely from the counties? A. Yes.

Q. You put that on the footing that it is not a municipal service? A. Yes. I think the higher the source from which appointments come, the better will be the appointments, as a rule.

Q. Then, pursuing the idea that you have thrown out, would you favor what I may perhaps call a consolidation of the registry system all over the country; that the fees of all the registry offices should be thrown into a common fund, from which the salaries should be paid all over the country, and the surplus applied to the maintenance of the different offices? A. I do not know that I would commute it just in that form.

Q. You would keep the revenue from each county distinct? A. No; I think that the fees derived should be ascertained, and according to the scale of fees you could determine the amount of labor required.

Q. But you would put the fees in a common fund, or would you keep the revenue of each county distinct by itself? A. I would not make it local; I would make it general.

Q. One surplus, out of the whole, applied where needed in the offices in the different counties? A. Yes. I think that the income derived from registrar's fees should compensate the registrar and his officials, maintain the office, and leave a surplus for the provincial treasury.

Q. If the system were uniform all over the country the registry system would be self-supporting. Then would you favor a reduction of fees rather than a surplus, if there were more revenue than necessary to pay registrars and their assist-

ants and maintain the offices? A. So far as I see now, I do not think it desirable. It would make a source of revenue for the province, and it would not come out of the pockets of those who did not get services for it

Q. Do your remarks apply to sheriffs and county attorneys? A. I am not a legal man, and I would not like to give an opinion on these matters.

Q. You think that your plan would be a good one applied to all these offices? A. So far as I can see.

Q. As to Division Court clerks and bailiffs? A. Those are the two offices that I did think might perhaps have been left out of the list which is given there; and that these might possibly be local appointments; but I do not know that there would be any particular benefit in it.

Q. Would you disturb the present arrangement by which the Division Court clerks and bailiffs collect fees, none of them getting anything like a living salary? A. I think the fee system is vicious throughout its whole course. If a man knows that he has a limited number of opportunities in connection with his fees, he is going to squeeze out of them as much as he can; that is the incentive; otherwise, he would not be liable to do injustice.

Q. If you take the type of man who does that and put him on a salary, will not you find him neglecting his duties or doing them in a faint-hearted, inefficient way? He can so do them as to keep his office, and yet not give himself any more trouble than he need, and not serve as efficiently as if he had the fees? A. That state of affairs would be known to those interested.

Q. You think that he would be found out and sent about his business? A. That is what I would do with him.

Mr. Hobson: Q. The same argument holds equally good in dealing with the question of fees; because he has a tariff which provides what a registrar should charge, and if he charges beyond that he is liable to get into trouble; in fact it is a very dangerous thing; he would place himself in much greater danger by charging thirty-five cents when the law only allowed him to charge twenty-five than by carelessness or neglect? A. If the system that I advocate were in vogue, there would be no inducement for a man to overcharge, because he knows that the fees would pass to the treasury; so that there would be no object in overcharging.

Q. If he were not a reliable man under the fee system he would not be under the other? A. There is the personal interest in the one case and not in the other. For instance a collector of customs would have no inducement to charge a man twenty per cent. duty when he should only charge fifteen per cent.

Q Do you think he would be as attentive in the matter of collecting fees if he were under salary as he would be if he were under fees? Would he have the same inducement to see that the country did not suffer by his neglect? A. I think so. That is my experience in regard to the custom house; and the registrar should not register an instrument until the fees are paid.

Q. And suppose that a sheriff was required to serve a writ promptly, involving his working out of regular hours? A. If he is the right kind of man for the office there would be no trouble; and if he is not, he ought to be dismissed.

Mr. Robinson: Q. You said that the higher the source the better likelihood there was of an appointment being good? A. That is my opinion.

Q. Do you refer to that high source, the people? A. I mean in contrasting the municipality with the Provincial Government.

Q. You prefer the Government? A. I prefer the Government. I consider that a higher source of appointment than a municipal council.

Q. I thought you might take it that the high source was the people? A. They are the people. They represent the whole people. The Government source is a higher source than the municipal source.

The CHAIRMAN: Q. You do not favor election by the people of any of these officers? A. No.

Mr. ROBINSON: Q. Have you heard any complaints on this subject? A. It is quite prevalent throughout the Province; it is my opinion that the fee system of paying officials should be swept out of existence.

JOSEPH B. WALKEM, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are a practising barrister in the city of Kingston, and an alderman? A. Yes.

Q. For how long have you been practising? A. I have been practising about fifteen years.

Q. How long have you lived in this county? A. About twenty-five years.

Q. Perhaps you can speak as to some particular offices? A. Regarding the registrars of deeds, I should say that any official who has not to exercise judicial functions might be appointed by the municipalities, such as the registrar of deeds; and as Professor Dupuis has suggested to me, they should give their whole time to the office and not farm it out as is done in some places. They should be there at all times during office hours, except when called away by a subpœna or for other good reasons; and I think they should be paid by salary, and that the salary should be graded by taking the receipts for say four or five years back, and averaging the fees during that time.

Q. Are there any officers you would favor being appointed by the municipalities other than the registrars? A. Well, the sheriff might be so appointed, but I would not much favor it. I think that appointment might rest with the Government. With respect to local masters, deputy registrars of the court, deputy clerks of the Crown, and clerks of the County Court, these officers should, I think, be appointed by the Superior Court judges.

Q. County attorneys—by the Government or by the judges? A. By the judges. My reason for suggesting that is that the judges know best the qualifications required for the office; and no political question would affect them in making the appointments. Division Court clerks and bailiffs should, I think, be appointed by the county judges.

Q. That is the old system? A. The old system.

Q. License inspectors and license commissioners? A. I think they should be appointed by the municipality.

Q. Why? A. Well, the municipality has immediate supervision over them, and is better able, perhaps, to judge of their qualifications, and could control them more easily than the Government can in the discharge of their duty. The municipal officers are on the spot all the time.

Q. Has any reasonable and well-founded complaint arisen in this county, or other counties, that you know of, as to how they discharge their duties? A. No; except that some think they have been too exacting here lately.

Q. That is an error in the right direction? A. Yes. I suppose it is from a temperance standpoint.

Q. Would you give the control of the registration system into the hands of the municipalities throughout the country? A. I think that all these offices, whilst controlled by the municipality, should be subject to Government inspection.

Q. Would you put the system of appointment in the control of municipalities; appointing officers and dismissing them and arranging their supervision—would you leave that in the hands of the municipalities? A. Yes.

Q. Would not you be liable to have different local practices springing up in different counties? A. That evil might arise, certainly.

Q. That would be a very serious evil? A. Of course it would; but the system of registration is fixed by statute, and there is Government inspection.

Q. At present? A. Yes; and I would not advocate a change of the system. The mere appointment and payment is what I speak of.

Q. But, having this system now organized as it is, with the statute and the officers appointed by Government, what sufficient cause is there for making a change as to leave the system established as it is, but changing the manner of appointment; what justification would there be for that? A. The registrars are paid by the public, and by the public in the particular locality in which their duties are performed; and I think the public might have something to say about the appointment and remuneration.

Q. That is very much the case of postmasters? A. They are paid by salary direct from Government.

Q. All of them? A. No; not all in the smaller places; they get a commission and certain allowances. In Kingston and other cities there is a fixed salary.

Q. Would you let the municipal councils fix the salaries of the registrars? A. Yes.

Q. Then, of course, you would have a variation of amount in the different counties? A. Yes.

Q. And the counties would err on the side of penuriousness? A. I think the rule of the county councils is to get their officials at as low a price as possible.

Q. Do you think that that is beneficial? A. No; I do not think it is; and for that reason they should be restricted to as few appointments as possible. I named registrars only as their duties are largely clerical.

Q. Sometimes a question of judgment might arise as to the proper execution of a deed; has there been any discussion as to changing the manner of appointment in this locality? A. No; not until within a few days ago, when a little election breeze comes into play.

Q. Judging by what we have heard, the question as to registrars has arisen largely from a desire to cut down their remuneration; not so much from a desire

on the part of the counties to get the appointing power as to reduce the fees, on the idea that they are overpaid? A. Of course, the fees attached to the registration of documents are large.

Q. Do you think the tariff is too high? A. I think it is too high.

Q. I am told that you would have to pay fifty or sixty dollars in the United States for an abstract which would cost five or six dollars here? A. I have not heard that; but I think that in New York State they make no charge for searches.

Q. Is it not a fact that in New York it is the custom to go to the guarantee societies to get titles searched; that you cannot depend on the registrars? A. I don't know, but I think their whole system is wrong there.

Mr. HOBSON: Everyone who has had experience of it objects to the American system.

The CHAIRMAN: How long would you appoint these officers for? A. During good behavior.

Q. The councils are fluctuating; the members come and go; they consist of a large number of members, twenty-five to fifty; do you think they would exercise the same careful choice that a smaller body would, such as a Cabinet of six or seven members? A. Perhaps not; and that is the reason why I would restrict them simply to one office or appointment.

Q. The office of registrar? A. Yes; the county council is taken from the farming class of people, and they, I fear, are at times more anxious to get a man cheaply than to get him really for his merit, and that is the trouble all over the country; the treasurer for an important county receives a ridiculously low salary considering his duties and responsibilities.

Q. They will give him $800, and he will have to pay $120 to get insurance? A. Yes; I do not know how he makes out his living.

Q. Then as to the manner of compensation? A. I think that all these fees should be paid in to the Government.

Q. That is, apart from the registrars? A. Yes.

Q. You would put the whole administration of the registry system in the hands of the municipality? A. Yes.

Q. But fees from other offices you would have paid to the Government? A. Yes.

Q. How should the officers be paid? A. Take, perhaps, four or five years' fees for the different offices, and grade them in that way.

Q. County attorneys and clerks of the peace; do you favor paying a salary to them of fixed amount? A. I do not know about that, I am sure; I think, perhaps, they are better paid by fees.

Q. Division Court clerks and bailiffs; would you leave the fees to them? A. Oh, yes; I would let them have the fees, particularly as they can do other work; it would be difficult to pay them by salary.

Q. Do not you think that the Division Court clerks and bailiffs would be better appointed by municipalities than the registrars? A. No, I do not; I would leave

them to the county judge; the county judge knows best the style of man that is required, and can always find him in his own county, and the majority of our county judges could, I think, be trusted to make satisfactory appointments.

Q. Is there any other matter that I have not touched upon? A. No; I have not had much time to think of anything except these questions, and these were only handed to me about an hour ago; I am sorry that the meetings of this Commission are not more generally known; they should have been regularly advertized some days ahead.

The CHAIRMAN: Mr. Fleming was here, and has seen a good many persons.

A. I never heard of him being here.

JAMES E. WALMSLEY, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are the mayor of Belleville? A. Yes.

Q. Have you been in the municipal council long? A. Four years.

Q. And have lived in the city for some time? A. Twenty-one years.

Q. I think the population of the city is about 10,000? A. Yes.

Q. You have seen this list of questions? A. Yes.

Q. Have you any opinion to offer as to the manner in which these appointments should be made? A. I think the appointment should be made by the Government of the day.

Q. That is, as at present? A. Yes.

Q. As to all of these officers? A. Yes.

Q. A suggestion is that the municipal council should nominate or that the people should elect them by popular vote; do you favor either of those methods? A. No.

Q. What is your reason for preferring the present system? A. I think it would give rise to less wire-pulling and be smoother all round, and that more independent officials are got than by the other way.

Q. What do you say as to license inspectors and commissioners? A. I think they should be appointed about as they are now.

Q. Then as to the manner of compensation of the officers, fees being collected as at present; how would you propose to deal with them? A. I think that a stated salary should be given instead of fees.

Q. That is, to all of these officers? A. Yes.

Q. Sheriffs, registrars—the whole of them? A. Yes.

Q. Would you extend that remark to Division Court bailiffs and clerks? A. No; I don't know much about them.

Q. Their fees are trifling? A. Possibly in their case the fees might be better.

Mr. Hobson: Q. Would you favor giving any percentage of the fees at all above a fixed sum? A. No; just fix a maximum salary.

Q. Do you think that the service would be as well performed as at present? It appears that in the work done by the sheriff it is very important that promptness should be observed in his office. Many sums of money are lost through delaying even for an hour or two. It is quite a common thing to call the sheriff even late at night to take prompt measures. Do you think that the work would be as well done if he had no inducement beyond a fixed salary? A. It should be well done.

Q. Do you think yourself that it would be as well? A. No doubt in some cases it would not be as well done; but if you have a conscientious officer he would do as well on a salary as on fees.

Q. The sheriffs sometimes complain that they have a difficulty in collecting all the fees. Do you think there would be any trouble about that in regard to not exercising so much care? A. Perhaps; but if he is a conscientious officer he should do as well in the one case as in the other.

The Chairman: Q. Do you favor a fixed salary in the cases where the amount of fees collected would not in themselves come up to a fair living salary? A. Yes, I favor a salary.

Q. In that case would you supplement the revenue from the fees from some other source? A. Yes.

Q. So as to give a fair living salary? A. Yes.

Q. And the man do the work himself? A. Yes.

Q. You are not in favor of any percentage above the salary? A. No.

Q. Do you think that that would be more satisfactory to the public, to know that a fixed amount was given to each officer rather than to have it left indefinite, that he should have payment by fees and no one could tell exactly how much he gets? A. I think so.

Q. What influences you in advocating a salary instead of the present system of fees and percentages? A. The fact that in some cases I believe the fees lead to a larger salary than should be paid.

Q. Do you mean more fees are exacted? A. They are collecting more fees in some cases than what each officer should have.

Q. Have you formed any idea of the amount you would allow the different officers or any of them? A. No, sir, I have not. I think they should have good salaries.

Q. Would you favor uniformity of salary as to a particular class of officers, or would you let the salaries be proportionate to the local condition of affairs? A. I think that the salary should be proportionate to the local conditions.

Q. Each should be fixed on its own circumstances and conditions? A. Yes.

Q. And I suppose you would take into account the amount of work and responsibility? A. Yes.

Q. And the cost of living in different places; for instance, cities and counties being different? A. Precisely.

Q. Would you favor a larger salary in cities than in counties? A. I would.

Q. How would you grade these officers as to salaries; would you put sheriffs and registrars on a par, or make a difference? A. I do not know.

Q. The sheriff has to represent the Government of the province? A. I think he should receive a higher salary.

Mr. ROBINSON: Q. Has the desirability of a change regarding these different officers come up for consideration by your council? A. No.

Q. You have had no debate upon the subject? A. No.

Mr. MASON: Q. I understand that you favor fixed salaries, the salaries not to be uniform, but according to the condition of the different localities. Would you have these salaries fixed by the appointing power? A. By the appointing power, yes.

Q. Subject to applications for increase such as would naturally be the case? A. Yes.

Q. Just as in your own municipality? A. Yes; I would leave them to regulate the whole matter.

Q. Do not you think that trouble and difficulty would arise by these continual applications for changing the salary of these officers, as the business increased or changed? A. Yes, trouble might arise. There is no doubt it would arise; still the appointing power would know best how to settle these matters, it seems to me.

Q. You do not think that that would be any serious difficulty in the carrying out of your scheme? A. No, I do not.

Q. Probably a little more trouble and friction? A. There might be.

The CHAIRMAN: Q. I suppose you might arrange to fix a scale of salaries which might be good for three or five years, and at the end of that period fix another average? A. Yes.

Mr. MASON: You would not be favorable to their being reopened annually? A. Oh, no; I do not think the situation would demand that.

THOMAS WILLS, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. How long have you been treasurer of this county? A. Sixteen years. Before that I was county clerk.

Q. How long have you been in Parliament? A. Four years.

Q. I think you have lived all your life in the county? A. For the last forty-seven years.

Q. You have had this list in your hands? A. Yes.

Q. What office did you hold before you were treasurer? A. I was deputy-registrar of deeds and county clerk.

Q. Looking at these officers, what do you say as to the way in which they should be appointed? A. I think they should be appointed by the Government.

Q. That is the present system you approve? A. Yes; the present system.

Q. Two others have been spoken of in the other counties—license inspectors and license commissioners; do you express any opinion about these. They were appointed formerly by municipalities? A. I have never seen any important change since in one way or the other. I think they were just about as good when appointed by the municipalities as they are now.

Mr. HOBSON: Q. You do not object to the present method? A. Not particularly. I do not know that there is much difference. Perhaps it would be well if the county municipal council appoint one, the Government appoint the other two, one of which to be the nominee of the leader of the opposition in Parliament. This would obviate the cry of undue political favor. I think a consultation of the parties, in such questions, and the redistribution of electoral divisions as in England would be advisable.

The CHAIRMAN: Q. As to the manner of payment; how would you propose to deal with that? A. I think, generally speaking, the fee system is the best. But the tariffs require revision.

Q. In the way of reduction? A. Some reduced and some increased.

Q. Which tariffs do you refer to? A. The tariffs of the sheriff and of the clerk of the peace and county attorney and constables, and similar offices.

Q. The registrars? A. I would not make any suggestions as to registrars. I think they are very moderately paid, when you take into consideration the liability that they are subject to.

Q. Is the revision of the tariff you desire with a view to increase the aggregate of the fees or to diminish the aggregate? A. It is more to equalize it. Some I would increase a little and some diminish. Some fees are given for services that were necessary forty years ago but are obsolete now.

Q. Would you illustrate? A. I will illustrate one. For instance, the clerk of the peace as clerk of the sessions had to make out cheques on the county treasurer, and for these cheques he was allowed so much. Now, the whole thing is done by a Board, and it is handed over to the county treasurer; there are none of these cheques, but still the tariff goes on.

Q. Does he get paid for cheques when there are no cheques given? A. Yes; according to the tariff.

Q. But they should not allow that? A. There is a pay list, and he just hands in the pay list. Another instance. He would have to send a letter out to notify magistrates of the receipt of the statutes, or anything like that.

Q. A post card now; it used to be an envelope and stamp? A. Yes; still the tariff remains the same as it was; and some other things of that kind, on the other hand. A constable was underpaid, for instance, in a matter that came under my own notice—he was sent from Madoc, some thirteen miles back to take a man. He had to hire a team to bring his prisoner in to the magistrate, and the Government would not allow for that; yet they will allow for a team for taking a prisoner from the magistrate to the jail. Things like these are still continued. They are mere survivals.

Q. And in the case of a sheriff, can you illustrate what you refer to as the fees? A. In paying fees, instead of giving mileage to, for instance, a person

serving a document, you give him ten cents a mile for going one way. He may have a dozen documents, at the same time, and often gets mileage on each. What I say is, give a man five or six cents for every mile that is necessarily travelled, instead of giving a larger sum for the distance one way to cover the way back again.

Mr Hobson: Q. Is not the ordinary practice in serving notices to charge from point to point. The charge is not made from the central point to each one separately? A. Here you start to summon a jury. You go to A, and from A to B, and from B to C, and from C to D, and then on to E, F, G, H, and so on, and you get down here to Z. Then you get ten cents a mile for all that 150 or 200 or 300 miles that you have gone round, when the distance from home at the last service may really be not more than two or three miles.

The Chairman: Q. The officer gets paid for the return trip as if he had gone back all the way round? A. Yes; practically so.

Q. Instead of completing a circle? A. Yes.

Q. So that there should be no return trips, but the whole distance travelled should be taken? A. Yes.

Q. You said you favored the collection of fees by the officers? A. Yes.

Q. And the receipt of fees by them as at present? A. The present system. Perhaps there might be a modification in the case of some officers. Take, for instance, the clerk of the County Court, where he may get a small salary first, and then a proportion of the fees. Of course, the fees would be collected in the manner as now; the fees might be funded and the officer get a proportion of them, so as to make the remuneration more equal; but I do not know that it would be better.

Q. In the case of the clerk of the peace, there is now power to commute the fees into a salary? A. Yes.

Q. Why is that not done? A. Often they cannot agree.

Q. Do you think that it would be a good thing to provide that the salaries could be commuted by a sort of arbitration; that is to say, the warden representing the council, and also the inspector—some Board of that kind to mediate? A. I think it would be, for this reason; clerks of the peace and county attorneys who have it in their power to make fees unnecessarily, some times, may be influenced to do so.

Q. To promote litigation? A. To promote litigation.

Q. And to press a case when it need not be pressed? A. Yes; or summon a large number of witnesses when only two or three are necessary.

Q. So that a salary in that case would be desirable? A. It would be desirable. It may have the effect, on the other hand, that there would not be as much work done as there ought to be.

Mr. Robinson: Q. From your long experience in this county are you decidedly opposed to popular vote in reference to any of these officers? A. Yes; I do not think it would be any improvement in the case of any of the offices. Of course the difficulty now is that you take the heelers for the Government; and the difficulty then would be that you would have the heelers for the local power.

The CHAIRMAN: Q. Could the municipal councils appoint Division Court clerks and bailiffs with advantage? A. I doubt it.

Q, And still less the other officers? A. And still less the other officers. I do not think it would be any improvement.

NATHANIEL VERMILYEA, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Are you in any municipal office?' A. I am reeve of Thurlow, the township next the city.

Q. How many members are in your county council? A. Thirty-eight.

Q. That is separate from the city? A. Yes.

Q. How many are in the city? A. Twenty-one.

Q. The registry office here is for the county and the city? A. Both.

Q. Looking at this list of officers that we are dealing with, what do you say as to the manner of appointing any or all of them? A. I think that the appointment should remain as it is, with the central authority, the Government.

Q. Why do you say that, in preference to election by the people or by the county council? A. The county council represent only the rural part of the county. The city of Belleville and the town of Trenton are not represented there at all.

Q. Is Trenton separate too? A. Trenton is separate for all except judicial purposes.

Q. Apart from that, apart from the question of their being a city and town separate, take the county council itself, and suppose it is dealing with the registrars and sheriffs and so on, why do you think that the present system is better? A. In the first place the county council has no method of inspection. We have no officers to inspect; and if we appointed the sheriff or the registrar and there were irregularities in the office, we would know nothing about them. We have no inspector, and I do not think that we could have.

Q. Suppose there were Government inspection, continued as at present? A. We might or might not act upon the recommendation of the inspector. He would not be our officer.

Q. There might be friction? A. There would surely be friction. The officer would get his appointment for political reasons.

Q. The councils might act on political lines? A. They would be sure to. They do in the case of every appointment that they make now. Party lines are very strongly drawn in all municipal bodies that I have any acquaintance with.

Q. Then you might get efficient men; you might get a mere popular man in the office? A. At present our registrars and sheriffs have separated themselves entirely from politics; they have taken no part in politics; but I think that if they were appointees of the county council they would feel that they would have to favor directly those who appointed them.

Q. Then, supposing the people would vote upon these officers, would that make the matter any better? A. Very much worse. I do not think that the people possess the qualifications to judge at all in the matter.

Q. Suppose that the election of these officers were left to the people; 48,000 or so in the county? A. Between 56,000 and 60,000.

Q. With a man or several men running for the office of sheriff or registrar, how would the elections be conducted except on political lines? A. They would necessarily be run upon party lines.

Q. They would adopt the party machinery as the most convenient? A. Undoubtedly.

Q. You know the system as operated in the United States? A. I know that the elective system prevails there to a large extent. I know, too, from having a relative in the States, that it is a very objectionable feature of their system. They are not satisfied with their officers thus elected. In their positions, partisanship in a very offensive way crops up.

Q. What cities do you speak of? A. I have several friends in New York City, and some in Rochester. I have a cousin who is judge in New York City.

Q. They are voted for in New York City? A. All that I have any knowledge of are.

Q. They are trying to get rid of the system in Massachusetts and many of the eastern states. Then as to license inspectors and commissioners, have you anything to say? A. I am satisfied with the present system. I recollect very well when the license inspector was the appointee of the township council; and I know that the matter of his appointment was a question in all our municipal elections in a very offensive and undesirable way. Hotel-keepers took a part in every contest that came up. The present system works smoothly and satisfactorily to all parties.

Q. Would you in the case of the officers named here advocate their abstention from active political interference; license inspectors and all the rest of them; not depriving them of a vote, but intimating that they are not to interfere actively in elections? A. Yes. I think it would be better for all Government officers not to take any part in elections actively. I think their work would be better done and their position would be safer for them, and they would give more satisfaction.

Q. It has been suggested, as to license inspectors and commissioners, that they abuse their position.

Mr. MASON: Q. I suppose it would be more difficult to carry out that principle of abstaining from participation in politics if they were appointed by the county councils and impossible to carry it out if they were elected by the people? A. If they were elected by the people they must necessarily become connected with one or other political party, and work in order to get elected.

Q. To a certain extent that would apply in connection with the county council; they would still find it necessary to work to secure the election? A. That is, if the county council elected them to office?

Q. Yes. A. I think they would be inclined to help those who helped them, to an extent that is not known now.

Q. Assuming that they would be elected for life, do you think that people would be satisfied very long to have any one of these officers elected for life or during good behavior, if the people once got the elective power into their hands? A. I think that the election of any of these officers by the county council would be unsatisfactory.

Q. In any case? A. Yes; except in the case of our own officers, such as clerk and treasurer.

Q. You think that the fewer election contests you have in municipal bodies the better? A. Yes.

The CHAIRMAN: Q. Then as to Division Court clerks and bailiffs? A. I think with regard to them as I do with regard to the others. Very careful supervision is necessary; and as we have no machinery for calling into existence an inspection system, a change in the law would be necessary; and there is no objection at all, as far as I have heard, to the present system. I do not see why a change should be made.

Q. As to the compensation of officers? A. I feel very strongly in favor of the fees; for the reason that the man who does the work thereby gets the pay, and the man who gets the service pays for it himself; and the man who does the work is paid according to the work he does.

Q. Do you approve of a man getting all the fees, until they amount to a pretty large sum; more than a living allowance? A. No; I would not. It seems to me that the change made in the Act at the recent session of the Legislature would prevent any such thing taking place. In a few places throughout the province the salary has been too large; for instance, the sheriff of Toronto, and in some other offices the fees have given the officer too large an income; but it seems to me that when the people of Toronto voluntarily pay their city solicitor $10,000 a year they should not object to the sheriff getting $6,000. I believe that when the fees have reached a certain point, all above that should be taken for public purposes.

Q. Generally, you approve of the present system? A. Yes.

Q. Do you approve of a percentage over the fixed amount; that is to say, registrars receive to their own use $1,500, and sheriffs $2,000, and a percentage on fees above these amounts? A. I understand that the first $1,500 is taken by the registrar, and a certain percentage of the next $500, and so on, lessening the proportion taken by the officer as the volume of receipts increases.

Q. Yes. He gets $1,500 certain, at all events, and he gets more, based on the percentage of receipts above that? A. Yes. I do not think anybody can say at present time exactly how the new Act will operate.

Q. The officers collect fees; they get paid out of these fees; they do not get paid indefinitely out of them, but only up to a certain amount. Should they get any percentage or commission in the nature of percentage for collecting fees over that fixed amount? A. I think they should; because as the volume of work in any office increases the incidental responsibility increases; and I do not think you can fix any amount which would be a fair amount all over the province; for instance, whilst $2,500 is a fair remuneration for the sheriff here, I do not think it would be for Toronto.

Q. You speak of that as what the sheriff gets for himself? A. Yes.

Q. Any necessary assistance would be paid out of the fees? A. Yes.

Q. Then as to the registrar, he gets $1,500 for himself in any event? A. Yes.

Q. The necessary expenses are paid? A. That is, he gets $1,500 if the receipts of the office amount to that sum; but in many counties the receipts do not reach it.

Q. Do you think it would be well to have, then, a minimum and maximum, so to speak; that is, that the officer should in any event get $1,500, but no more than say $1,800; and so on? For certain purposes it is said that the people would be satisfied if they knew just what these officers were paid. For instance, if they were told that an officer got $1,500, and that he could not get more than $1,800. It is only a matter of sentiment, perhaps, but it would satisfy the people better than the payment of an indefinite amount from the fees would? A.—I think that where the receipts are too large, say $2,500, in any place like this, they should be taken for municipal purposes, in the case of a registrar as they are now taken.

Q. Would you have the chiefs of the office chose their own men and pay their own salaries without supervision? A. Yes; as they are made by law responsible for the proper conduct of the office it seems to me that they could hardly enforce their authority unless they also appointed.

Mr. HOBSON: Q. Do you say there should be a minimum salary too? Do you think it is desirable that in the offices where there is comparatively little business done, and the receipts are small, that a man should be confined to the work of the office without doing anything else? Then if so, it would follow that you would pay a minimum salary. In the first place do you think he should be confined to the work of the office. A. I can conceive of places where there is very little work required of him in the office, where the public interest would not be at all in danger by doing something else, so long as he was made responsible for the proper discharge of the duties of the office.

Q. The office would require to be open during proper hours, and that would require him to be there? A. It would require somebody to be there. The deputy could do that. It seems unfair where the income of the office is very small that the chief officer should be compelled to give up every other kind of business.

Q. In what way would you provide for a fair living in the smaller offices? A. I would let the officers do as they do now—engage in almost any other calling that they chose.

Q. Are there any two offices which can be managed by one man? A. I think that would be impossible in the case of the sheriff. He is often required to go into the country on various services, and somebody must be in the office. In a place like this it would be impossible.

The CHAIRMAN: Q. In new counties it might be done until the population increased? A. Yes.

Mr. ROBINSON: Q. You have ardent politicians on both sides, in your county? A. Yes. Our council are about half-and-half, politically, and we work most harmoniously.

Q. Has the question of a change in the appointment of these officers come up? A. Yes. There are three or four members of the Patrons of Industry in

the council, and one of them moved that all these officers, except the county judge, I think—the Patrons adhere pretty closely to their programme—should be appointed by the county council, and I myself moved a resolution, in order to see how absurd a resolution the county council would adopt, not to have my resolution carried, but to test their sentiments I moved that this county council memorialize the Government asking for authority to appoint all officers, enumerating all that you have on this list, as well as collector of customs, postmaster, excise officers, inspector of weights and measures, and all the rest of them; and to my great surprise three or four leading members of the council favored such a proposition.

Q. You put it out as a feeler? A. Yes. After several had spoken, I said that I did not move the resolution with any idea of having it pass, but with the view of seeing how absurd a resolution men who had not thought on these subjects would vote for; and I withdrew the resolution.

The CHAIRMAN: You must have been misleading these other worthy members? A. There were, I think, three leading men who supported that; but a majority of the county council favored a resolution asking that inspectors of licenses, sheriffs, registrars, local masters, county attorneys, clerks of the County Court, and I think, all the officers you have named here should be appointees of the county council, and asking the local Government for power to appoint them.

Mr. HOBSON: We would like very much to have some of these gentlemen here to-day.

Mr. ROBINSON: Q. Did it lead to a discussion? A. Yes, a prolonged and rather embittered discussion, which is rather unusual in our county.

Mr. BROOKS: Q. But the majority voted for it? A. Yes.

Q. Could not you believe them to be honest in their convictions? A. Oh yes; I admit freely that they were all honest. I did not think that they fully grasped the question.

NATHANIEL VERMILYEA, recalled by MR. HOBSON.

Q. Do you think it is desirable that there should be a uniform audit or an audit made by experts, chartered accountants—of county council accounts? A. We have never had any irregularities in connection with our county accounts. We have a capital treasurer, and auditors who are well-known and able men; and we cannot complain of any irregularities. I do not believe that we have ever lost a dollar—in twenty years, at any rate.

Q. What would be you opinion, speaking in a general way? A. The more thoroughly the accounts are audited the better for the public.

Q. What do you pay your auditors? A. Thirty dollars each.

Q. Thirty dollars to forty dollars each is a very common sum.

Mr. MASON: Q. What occupation do your auditors follow? A. They are both farmers. They evidently know how to audit accounts. They are excellent auditors.

Mr. HOBSON: Q. Then you have no reason to advise a chartered accountant? A. I would like to explain one statement that I made in regard to the vote in the council as to the appointment of the officers. The resolution

covered only Ontario appointments, and it was voted for by the Conservatives and the three Patrons of Industy that are in the council. A resolution covering Dominion appointments might have got some Reformers, but it would not have got the Conservatives. So that the resolution did not mean very much when it was looked into and all the circumstances known. I think the general feeling was to leave matters as they are.

WILLIAM M. PONTON, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are a practising barrister? A. Yes.

Q. You have been an alderman? A. Yes; and am now.

Q. Have you seen this list of officers? A. Yes; I have very little to say, except to volunteer the statement that I am in favor of the fee system and in favor of appointment by the central power. The appointing power should not be divided amongst municipal councils. I believe that would lead to great deterioration in the calibre of the officers appointed, and would break up still more the spirit of unity in the country, dividing it into a number of small sections without cohesive power. Apart from that, I think it would render the tenure of office so uncertain that the officer would be more occupied in trying to keep his office than in trying to perform his duties. That is our experience since this last municipal crusade in the cities has gone on against the salaries of officials. Those who wish to see the business of the cities carried on properly have really to withstand the attacks of those who are dissatisfied with the city officials all the time. The pretence of reducing their salaries is really the desire to supplant them by others—to supplant men who have given their whole lives to the office and take a pride in the office and in the performance of their duties; and I think it would be just the same if the proposed system would be put into operation. There would be men always ready to take the office at a lower salary; then, as soon as such men got the office an application would be made for a higher salary, and the application would be granted by friends in the council; because councils are more easily got at and more subject to political and other kinds of influence than the central Government.

Mr. ROBINSON: Q. You are opposed to popular vote also? A. Yes.

The CHAIRMAN: Q. In regard to the fees, do you favor the method of having a certain lump sum fixed, after which the officer gets a percentage; or do you perfer a fixed salary? A. I think it would be almost impossible to commute the fees into a salary that would be always proper to the particular office. I think that fees vary largely in the registry offices. I have had some experience in the registry office here.

Mr. HOBSON: Q. The responsibility varies just in proportion as the fees vary? A. Yes. It is not merely the incidental work and the expenses that increase, but the responsibility; and of course it is the non-recognition of this which is at the bottom of the greater part of the outcry. People do not realize the responsibility of these offices and the fact of the officials being liable to law suits.

Mr. ROBINSON: Q. Have there been any in your county to your knowledge? A. Twice while my uncle was registrar he had to fight a law-suit. He was successful, but it cost him two or three hundred dollars.

The CHAIRMAN: Q. So that you approve in substance of what is done now as to the fees? A. Yes; I do not think that the sheriff could possibly get on with anything less than he gets.

Mr. ROBINSON: Q. Do you think it would be at all politic to appoint the deputy by the Government? A. I think that the registrar ought to control his own office.

Q. As well the appointment as the pay? A. I think so; so long as the work in the office is done to the satisfaction of the inspector.

Mr. HOBSON: Q. Do you think that the community would be as well served, those having business to do at the office as well served, if the office were paid by salary? I am speaking particularly of the registrar and the sheriff? A. I think the law would have to be very stringent to meet all cases. I think it would depend to a great extent upon the individual filling the office.

Q. We are told that if in connection with a sheriff's office writs are not served with least possible delay there may be serious loss. Do you think that the fact of the sheriff being paid by salary instead of by fees would cause any trouble in that way; or have you such a good opinion of human nature that you think that he would do just as well under salary? A. I think that pressure brought to bear upon them by the solicitors interested, mentioning the urgency of a particular matter, would probably result in their doing as well, in a responsible office of that kind. I would not say the same in regard to the Division Court bailiffs. There I think the supervision is not sufficient that we have now. I think the county judges should have something to say in the direction and the supervision of the Division Court bailiffs and in their appointment. The system is too cumbrous altogether, of getting redress of neglect on the part of Division Court bailiffs.

Mr. ROBINSON: Q. That is, complaining to the inspector? A. Yes. During the last couple of years I cannot say that there has been much trouble; but previous to that I know that it took too long a time. It is too difficult for a distant outsider to get at the facts. The county court judges would know their men and have more immediate supervision.

Q. Would things be any better if the county councils appointed the clerks and bailiffs of the Divison Courts? A. I do not think so, but I think we want local control of these officers to a certain extent.

Q. That is, local control by the county judge? A. By the county judge or by a board of control with him, the local master or the deputy clerk of Crown.

Q. In addition to the inspection? A. In addition to the inspection. The inspection is simply to get redress for a wrong that may have already been committed. The Division Court is ceasing to be "the poor man's court." The fees during the last ten years have increased, without any increase in the privileges given by the Court; that is, the court fees.

Mr. ROBINSON: Q. We have heard that before, that the fees are unnecessarily large? A. Charges are made which I do not think were ever contemplated.

Q. Have these been appealed to the inspector? A. In some cases; but in other cases it is not worth while. I am not saying that the inspector is not doing his duty.

Q. But the the relief is tardy? A. The relief is tardy, and the trouble over a small matter is too great, in any single instance; and it is made up of single instances.

Mr. ROBINSON: Q. It is a serious thing for the costs to be large if the amount of the claim is small? A. No fault is found at all with the other offices, so that there must be something in this matter. I do not speak of the county of Hastings particularly, but of the whole system. There is no need of inspection so far as the County Court clerk and others are concerned.

Q. Is not the business of the Division Court very much declining? A. There are certainly fewer collections from outside sources. As to police commissioners, I think that the city should have another representative upon the police commission; that is, another independent representative; so that while the police would not be necessarily appointed by the city council they would be more directly under local control.

Q. You have the police magistrate, the county judge and the mayor? A. Yes; and I think there should be two responsible representatives for the city.

Q. That would divide the commission in two. A. It would not be likely. At present the mayor is virtually negative, being a new man every year. He has very little lasting influence in the commission. I would suggest a chairman of one of the standing committees appointed by the council, or one representative member of the council appointed by the mayor.

Mr. ROBINSON: Q. You want the mayor's hands strengthened? A. I want the mayor's hands strengthened. Not that there has been necessarily any conflict or antagonism, but the question of the reduction of the police force has come up here and occasioned some difficulty. I do not wish the appointment of policemen however, to be with the council. That would lead to gross abuses.

The CHAIRMAN: Anything else? A. I think that the registrar's fees while in all other respects moderate considering the work done, are too large with regard to abstracts. They are altogether too large as to the allowance for references; for instance, I have had short abstracts cost three dollars. The Act authorizes them to charge five cents a reference for every document over four; and that has been upheld in the Court of Appeal, that that is the proper construction of the statute. A lot may be subdivided, and then the registrars claim the right to consult and read every document.

Mr. HOBSON: It may be divided into twenty lots, and they charge accordingly.

Mr. ROBINSON: It might be necessary for them to do that.

Mr. PONTON: It is left to their judgment. There is no complaint made about the fees for the registration of documents; I think that is as little as they could do the work for. Solicitors should I think be allowed to make copious extracts from documents personally without any charge per folio, other than the search.

FRANCIS WALLBRIDGE, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Mr. ROBINSON: Q. Have you been in the county council here for some time? A. No, sir, I have been in the city council.

Q. Have you had a chance to look at the different questions? A. More particularly in the newspapers.

Q. Having seen them or some of them, what do you think of the nature of the appointments? Would you suggest any difference in the manner of appointment from that which at present exists? A. I should think, from the way in which the offices have been carried on, that it would be better to pay by salary instead of by fees.

Q. But as to the appointment; would you change that from the Government? A. As to some of the offices I would.

Q. Which would you change? A. I think I would change the registrars and the sheriffs and the clerks of the County Courts and the Division Court clerks and bailiffs.

Q. What change would you make? A. I think that the county should have the appointment of them instead of the Government.

Q. Including both the sheriff and the registrar? A. Yes.

Q. But the sheriff being a judicial appointment, would you get along very well? A. That is further than I have looked into the matter.

Q. You have not given it much consideration? A. No.

Q. But you have that opinion as far as the registrar is concerned? A. Yes. I think that license inspectors also ought to be appointed by the county.

Q Why do you think that the registrar should be appointed by the county council? A. Nothing more than from what I have seen in the papers about the exobitant fees that they take.

Q. Are those fees too large? A Certainly, in some cases they get too much. They ought to have a fair remuneration, not more than two thousand dollars. When you come to five and six and eight and ten thousand dollars it is too much.

Q. Oh yes, that is an abuse of the thing; but that has never prevailed in this county? A. I have nothing to say about this county.

Q. You have no complaint about the way the business of this county is carried on? A. No.

Q. Would you have them paid by fees or by salary? A. If the appointment is in the hands of the Government it does not make much difference.

Q. Has there been much talk here on the subject? A. No.

The CHAIRMAN: Q. Are you a brother of the Hon. Lewis Wallbridge? A. Yes.

Q. Living in town? A. Yes.

Q. And your occupation? A. Lumbering.

Q. You have not much to do with either of these offices? A. No; neither sheriff nor registrar.

Q. And you yourself have no strong opinion about the matter? A. No.

Q. You do not realize that there is any grievance, as far as you know, regarding either the manner of appointment or compensation? A. No.

P. R. DALY, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows :

The CHAIRMAN : Q. Where do you live ? A. In Thurlow township.

Q. Are you in the council there ? A. I am not ; I was in some years ago.

Q. Have you seen this list of questions that we are dealing with ? A. I have not given the subject that thought and attention that I should in order to appear before you ; but it appears to be the feeling in this section of the country—I speak for myself rather than the country—that the fees where the county has to pay them should be regulated to some extent by the municipal councils rather than the Government.

Q. Each council then would have its own rate of charges, instead of a uniform scale for the country ? A. It would amount to that ; I would not say that in the case of sheriff's fees.

Q. Which fees ? A. The registrars'.

Q. Division Court clerks ? A. Yes.

Q. The council should draw up its own tariff ? A. Yes.

Q. And that would be reducing the fees ; are the fees supposed to be large ? A. They are supposed to be too large ; I suppose that is the cause of the agitation, to some extent.

Q. Is it that ; to get the amount reduced of what is paid, rather than to have the appointment of officers ; you think that the agitation is caused by the fees being too large, rather than because the Government appoints ? A. I would say that it was a mixed cause ; perhaps the two considerations might be equal.

Q. Do you favor any change in the system of appointment ; taking it out of the hands of the Government, as to any of these officers, and if so where do you put the appointing power ? A. I think that the registrars might safely be appointed by the county council ; I would not favor the appointment of sheriffs by the county council ; I would leave them as they are ; I am inclined to think that the Government had better appoint the county attorneys ; the Division Court clerks and bailiffs should be appointed by the local judges.

Q. And the deputy clerks of the Crown, registrars of the Surrogate Courts ? A. Leave them with the Government.

Q. So that about the only change you would make would be in regard to the Division Court clerks and bailiffs and the registrars ? A. Yes.

Q. Giving one to the judges and the other to the county council ? A. Yes.

Q. And you would let the councils arrange the scale of fees paid to the registrars, so as to keep down the amount ? A. I would, if practical.

Q. But you would want to raise enough money by the fees to provide for keeping up the offices ? A. Undoubtedly.

Q. So that you would charge enough to make the thing self-sustaining ? A. Yes.

Q. Then if the Government were to relieve the situation so that the councils would have nothing to pay ; if the Government were to pay the registrar and

maintain the offices, that would be a sufficient remedy? A. I think that the fees of these offices come out of the people, and I think that the people, represented by the councils, should have the patronage.

Q. You think the councils would be better pleased to have the right of appointment? A. Yes.

Q. You are in this county? A. Yes.

Q. Some eight years in the council? A. Yes.

Q. Would they divide up on the line of politics in appointing the registrar? A. I should think not.

Q. Do you think they would join in appointing the best man? A. I think they would, as they have for some years joined in electing their warden; there is a sort of an understanding that they should divide the patronage; for instance, if a Reformer becomes warden this year it is understood that a Conservative becomes warden next year.

Q. Would you have a registrar appointed for life? A. Yes.

Q. But if you got a long-lifed Reformer the Conservatives would not like that? A. I certainly would, and I am a Conservative.

Q. I am afraid you would be backing up a consumptive man for the office, a man who would not stay there very long? A. I am not a physician, and I would fail in that.

Q. What about the license inspectors and license commissioners? A. I think that they should be local appointments.

Q. Elected by the people? A. No; I would let the council appoint them.

Q Why would not you let the people vote on them? A. I think that we have enough to vote upon now, and the men who are elected to the council would be better qualified to judge of a good man, and they would be responsible for his good behavior.

Q. Do you think it would be a good thing to have one license inspector appointed by the Government and one by the council; have the two sources of power represented? A. Would there not be a difficulty in the way of their not agreeing?

Q. You think there might be friction? A. Yes.

Q. I was asking you because some gentlemen thought it would be a good idea? A. I should not think it would be worth while; I paid a good deal of attention to it while I was in the municipal council, and I found that people made us responsible for the appointment of the inspectors, and if we went astray one year they could correct us the next.

Q. Is the matter well managed under the present system; are there any complaints? A. I would not venture on an opinion; I have not paid much attention to it; I read the papers, but the articles are generally on political grounds.

Q. Is there any other matter that I have not asked you about? A. No; I did not give that attention to the subject that I would have liked.

Q. Are you a farmer? A. Yes.

The CHAIRMAN: We are obliged to you for coming, Mr. Daly.

WILLIAM R. AYLESWORTH, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. What is your occupation? A. I am a land surveyor by profession, but at present I am clerk of the county council of Hastings also, and have been so for a little over a year.

Q. What municipal office have you held? A. I have been warden two years of the county, and I was reeve of Deseronto for twenty-one years.

Q. What do you say as to the appointment of these officers? A. I am in favor of the present system of appointment. I am opposed to the election of them.

Q. The whole of them? A. Yes; the whole of these that are named.

Q. As to the county councils appointing, do you think that that would work? A. I do not think that it would be as good as the system now in force. It would practically be the majority of one or other of the political parties, as the council would be constituted.

Q. What objections have you to popular election? A. It would be very difficult to work, would be expensive, and the chances are that the man who spent the most money amongst the electors would get the office. I have had some experience in elections, and I have not much confidence in the elections being honestly conducted.

Q. Would not it come to short terms before long, supposing that you began by election for life? A. As far as I know the feeling at present, I do not think it would stay at elections for life. We would have the same thing here as in the United States. When I was first reeve, for a number of years we had to deal with the tavern license business, and I know a good deal about it. I know that as far as this county is concerned the liquor selling business is under better control than it was when it was in the hands of the councils. There is better supervision, and I think the system is a grand improvement. The number of taverns and saloons and that sort of thing has been reduced.

Q. The law is better administered? A. I think so. That is my experience, and I have observed the thing for twenty-two or twenty-three years.

Q. As to the compensation? A. I think that the system of fees is probably the most equitable that we could have. However, I think that possibly the rate is excessive; I mean the tariff that the registrar gets, or the sheriff, or the clerk. The particular fees are not too great for the service rendered, but I think that the law is working well and that the improvements lately enacted are in the right direction. Where an office pays a large sum over and above the fixed amount, the balance I think should go to the county; because the county has considerable expense in connection with the office of the sheriff, the registrar, the clerk of the County Court, and all these offices. I agree with the warden that if the fees of the office exceed the fixed sum, the officer should get a percentage on them, as he has greater responsibility and does more work. I do not think that the salary should be fixed the same for the different counties. Each county must rest on its own basis. In the county to the south of us the officials would not be entitled to as much as in the county of Hastings.

Q. In cases where the fees received by these officers did not come up to a fair living salary, would you approve of the officer taking all the fees until they came up to where it was a fair living salary? A. Yes.

Q. You would not strike a fixed sum until the fees were in excess? A. No. A reasonable sum for the sheriff in Prince Edward county would be $1,500. If the fees did not come up to that, I think he should receive all of them. Where there is less responsibility the officer should do with less money.

Q. As to Division Court clerks and bailiffs? A. I think the system as to them is much better now than it was when they were appointed by the judge and supervised by the judge. I think that the present system of appointment is good, and the supervision is very good.

Q. Is there any other matter? A. The clerk of the county court in this county gets very substantial fees. I do not know why the percentage over and above a certain fixed sum of his earnings should not go to the county, as well as those of the registrar and sheriff. I do not know why they do not amend that

Q. Would you favor a fixed salary being given to the county attorney and clerk of the peace, or fees as now? A. I think there might be a salary. It is possible that the Legislature could fix a reasonable salary in that case; under the present law, I do not believe the fees are charged and allowed the same in the different counties. The tariffs have been so often amended since they were framed that it is almost impossible to really understand what the tariff is; and some clerks of the peace and county attorneys charge a good deal more than others. There is a little friction, too, about it; but on the whole I think that fees are the best method of compensation in that office. The clerk of the peace who gets the fees will look after the business better than he otherwise would.

WILLIAM H. McCALLUM, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Q. What is your occupation and official position? A. I am a farmer. I am reeve of the township of Hope, and a member of the counties council of Northumberland and Durham.

Q. What is the population of these counties? A. About 80,000.

Q. That includes the towns? A. Cobourg is not in the municipality.

Q. What is the population of Cobourg? A. About 5,000.

Q. You have a list of these questions? A. I have a list in my hand.

Q. What do you say as to the way the appointments or any of them should be made? A. I will take the registrar of deeds. I believe that the office is local in its nature and that the appointment should be made by the county councils.

Q. Are any of the others in the same category? A. No. The rest of the appointments I consider are proper to be made by the Provincial Government.

Q. What advantage would there be, in your opinion, in having the councils appoint to the registrarship of deeds? A. My judgment in this matter leads me to believe that as we have charge of the registry office, and as all supplies come from the counties council, that we should have charge of the man who has charge of the registration.

Q. Then if the Government were to take charge of the offices—were to build the offices, keep them in repair, and supply all the books, and so on, do you see any objection to the Government taking the whole system? A. I think it would be a beneficial measure for them to take the maintenance.

Q. Instead of having it half and half as at present? A. Yes.

Q. You would prefer that it should either be all county or all Government. Would you prefer it to go to the Government? A. I would prefer it to go to the Government.

Q. Is it for financial reasons? A. No. My reasons for having either the Government in sole charge or the counties in sole charge is, that there should not be a division of authority. The two bodies often come in conflict. The Government has an inspector, and we do the paying, whilst he does the ordering of the repairs and all such things as that.

Q. There is a conflict of views? A. Yes. No matter what our views are, Mr. Johnson has the arbitrary power, and we have no voice in the matter. He says so-and-so must be done, and the bills come into us to be paid.

Q. Does he proceed without consulting you? A. In some cases.

Q. Or endeavoring to reconcile your views with his? A. I will give you an instance. The town of Port Hope's map was in a very dilapidated condition, and the inspector gave orders that a new map should be prepared. The counties council knew nothing about it. There was a law scrape over the matter, and the costs equalled about half of the original price of the map. We thought that if we had been advised of this action and had had some voice in the matter, these difficulties would have been obviated.

Q. You think that either the Government or the counties should have full control? A. Yes.

Q. But as far as you are concerned, you do not care about the counties having it? A. No.

And all the rest of the offices as they are? A. The county attorneys and clerks of the peace are partially paid by the county and partially by the Government. I have been auditor for many years. These accounts are part paid by the counties and part by the Government. I find that the largest percentage of the county attorney's fees are payable by the counties. But as far as my judgment goes I would not advocate a change in connection with the crown attorney.

Q. His functions are chiefly in the administration of criminal justice, which is a matter of general interest? A. Yes.

Q. Do not you think that any difficulty would be overcome, in the case of the Clerk of the Peace, by a commutation of the fees? There is now power to commute. Has not your council tried to do that? A. No.

Q. Do you think that would be a solution of the trouble you refer to? Would not the matter be obviated and things smoothed down by having a commutation fixed on by the county authorities, the Government and the officer? A. Under the existing system the Crown attorney's fees are regulated by statutory enactment, and those of the Clerk of the Peace also. When these fees come before the board of audit we have no option but to allow them. I do not get the drift of your question as to commutation.

Q. Instead of the officer sending in a bill for a great number of items—letters sent, and notices given, which are often sent by post card—why not take an estimate of what the cost has been for the last three or four years, and fix a round sum; give him eight or nine hundred or a thousand dollars instead of having all the items rendered and audited. He could collect the fees, and let the fees be funded for the benefit of the Government, or for the benefit of the Government and the municipality, as arranged? A. I would prefer the fee system, for this reason: it makes the officer more diligent in the discharge of his duties. If he knew that he was receiving a certain amount, it would not be to his interest to prosecute with the same energy and vigor that he would if he knew that his payment depended upon conviction in the case.

Mr. Mason: Q On the other hand might it not be to his interest to prosecute unnecessarily for the sake of the fees? A. If he prosecutes unnecessarily and does not convict, he does not get fees to the same extent that he would if he convicted; and I think that the one would counterbalance his energy in that respect.

The Chairman: Q. There might be a great deal of expense in having a trumped up charge—a large number of witnesses—but a cautious officer might not prosecute if paid by salary when he perhaps would if paid by fees. There is danger on both sides. One danger has to be balanced against the other; and if the present system has not worked disadvantageously I suppose there is no reason for changing it. Would you advise a revision of the tariff in regard to sheriffs and other officers? It is said there are many items out of date, and that there is a variation in regard to the tariffs. Would you advocate a general revision of the fees of all these officers? A. As far as I can say in regard to the fees that have come before me during a number of years, for Crown attorney or sheriff, it depends to a great extent on the business done by those gentlemen. If the business is large in the office of the Crown attorney or clerk of the peace, the fees amount to a large salary; but if you were to re-organize the fees of all clerks of the peace and sheriffs it might be an injustice to some and a justice to others. It depends a good deal upon the business that is done.

Q. So that the fees, taking things as a whole, are not out of the way? A. I cannot say how it is as a whole; but as far as these counties are concerned I can say that the sheriff and the clerks do not receive remuneration out of proportion to the work they have to do.

Q. Do you think that the appointment of Division Court clerks and bailiffs might be left to the county councils? A. My experience in regard to the appointment of officials by county councils has led me to believe that the adoption of the system in regard to those officers would result in politics being brought in to a great extent, and that the fitness of the man would probably not be taken into consideration. If it devolved upon the forty-nine members of our counties council, there might be a good deal of politics introduced into the appointment of an official. I prefer to leave it as it is.

Q. And you would have a still stronger opinion as to election by the people? A. I am opposed to the people electing officers, because it would degenerate into a political faction fight.

Mr. Brooke: Q. Are there not political appointments now? A. There certainly are; and I can give you my reasons why I prefer the present system.

The CHAIRMAN: Q. Do so, please; we would like to hear it? A. I look at it it in this way: That the Government—I am not saying one side any more than the other—that the Government makes its appointments to a great extent for political purposes. When a member goes to Parliament, he does not go there with the object of serving the interest of his country to the extent that he should. He goes there with the object of receiving some emolument hereafter, and he is not a free agent in the exercise of his own judgment. My observation of the policy pursued by both Governments—I am not confining myself to one or the other—is that the Governments make use of these offices for party purposes.

Q. That is the fault of the system, that you cannot see anyway to cure? A. I hardly see any way of obviating it. I suppose that the principle is "to the victors belong the spoils."

Mr. BROOKS: Q. Are not the county councils more free from party leanings than the Parliament? A. They are. In the election of our warden, for the last seven years that I have been in the counties council, party politics have never been taken into consideration. In politics I am a Grit.

The CHAIRMAN: Q. We have not been asking for the politics of the witnesses. You say that politics do not obtain in the councils to the same extent as in the Parliament or in the Legislature; then why do you think that appointments by county councils to the different offices would not be better than the present system? A. Because in the appointment of our own officers there is no emolument in connection with the offices that amounts to anything; they are to a great extent honorary; but when it comes to electing officers who are given prominence and good salaries, then in my judgment politics would play a material part in the election.

Mr. MASON: Q. Of the two, you think it better to remove this trouble of political strife as far from the appointee as possible? A. I think so.

The CHAIRMAN: Q. As a general thing, do you think you get better results by putting the responsibility on a small number of men, say the seven or eight members of the Cabinet, than on a body of forty-nine members; will a small body act with more sense of reponsibility than a large body? A. I look on it as being more than seven or eight, because it is by the House.

Q. Certainly; but the body that actually exercises the appointing power is not forty or fifty, but six or seven? A. They have the selection, but the power comes from the party having a majority.

Q. The power comes from the people, really. They delegate the power to the representatives of the people, who approve of the Cabinet by supporting it; so that the power is transferred from the Parliament to the Cabinet. The Cabinet is really a committee of the House, a committee exercising the power. Do not you think that a small body exercising power will do it with a greater sense of responsibility than if the exercise of power is spread over fifty or sixty members? A. Well, I cannot see it; because, as I stated at the outset, I think that party politics govern, and it is not the unbiased opinion of these seven members.

Q. If you remove party politics, then you would recognize the fact that a committee of three would act with more sense of responsibility than a large crowd? A. Yes.

Q. But if you introduce the element of party politics it colors the whole thing? A. Yes.

Q. Do you think any good result would follow trying a system of nominations, on the part of the county councils, of those qualified to fill vacancies; submitted to the executive council to deal with? A. I have never given any consideration to that idea, but it strikes me just now as a good one; for this reason, that it is customary to appoint men from the locality where the office is vacant, and that the county councils, as a general rule, are better acquainted with men in the neighborhood, and a recommendation from them should have influence with the Government.

Q. The central power has to be informed of what the needs of the locality are; and who are the available men in the locality. That information is to be obtained either in a private way, through the member for the county or the defeated candidate; or from the county council in a public way, and given with a sense of responsibility? A. I think it would be far preferable that the recommendation should come from the county council than from the defeated candidate.

Q. There is not so much objection to a successful candidate, as he represents the majority? A. Yes; and it is generally supposed that the patronage goes with the office.

Q. So that the greater apprehended danger would arise where the person recommending is the defeated candidate? A. Every candidate of course would have his favorites in connection with this; and I would prefer that the recommendation should come from a corporate body like the council of the united counties of Northumberland and Durham. The recommendation of a corporate body should have more weight than the mere verbal statement of the defeated candidate.

Q. Of course the Government would have the right to reject for good reasons; but the qualified persons would be brought before them in such a way that they would have to take the responsibility of rejecting, if they appointed outside of that list? A. I take this ground: that where the counties are called upon to pay any percentage of the salary of an officer, either by fees or otherwise, they should have a voice in the selection of the candidate; and by a recommendation from a corporate body like the council of Northumberland and Durham, to the Government, you would have something more reliable than the mere statement of an elected member of Parliament or a defeated candidate who might wish so-and-so appointed.

Q. Then as to the remuneration of the officers. No one has proposed to do away with fees; every one says that the persons who get the benefit of the services and the litigants who come into the courts ought to pay the fees; and the fee system is approved of in that sense, that fees should be paid for the services performed. The question is, how to deal with these fees when collected? A. I am in favor of the present fee system; but I believe in a limit of these fees; that is, that a certain percentage of the fees should go to the officer until a certain limit is reached, and that all fees over and above that sum should revert to the municipality, not to the Government.

Q. That is, if the municipality have to expend money on the office? A. Yes.

Q. If the Government were to maintain the whole service, and supply the books and so on then the surplus should go to the Government? A. Certainly. But under the present system the counties pay for all the offices. As an illustra-

tion, these counties pay every year $1,450 to the town trust of Cobourg for the use of this building, for the maintenance of these offices. The town hall was built at the expense of the town. We rent sixteen or seventeen offices, and pay $1,450 to the commissioners of the Cobourg town trust for these offices.

Mr. HOBSON: Q. Does the town keep them in order? A. Yes.

Mr. MASON: Q. Part of the county officials are simply for the administration of law? A. Yes.

The CHAIRMAN: Q. Then you approve of the present system by which the officer receives a percentage of the fees that are collected above a certain fixed amount?

Mr. MASON: Q. I understood that you wanted a sum fixed beyond which the remuneration should not go in any case? A. In any case.

Q. No matter how much the fees are? A. Yes.

The CHAIRMAN: Q. There should be a maximum sum? A. Yes. I think that some of the registry office fees amount to a salary out of all proportion to what the registrar should receive: and I think that other officers in the same service, on account of the lack of business, do not receive any more than they should. I think there should be some arrangement of a graded scale.

Mr. MASON: Q. As far as many of the counties are concerned, it would not affect the present result; although you approve of it as a general system; you are aware there are counties that would not be affected, because they are all below your limit? A. They are below the present schedule, I have not stated a limit.

Q. Last year the net revenue from Durham East was $715; Durham West $654; Northumberland East $940; Northumberland West $787.

Mr. HOBSON: Q. There are four registry offices? A. Yes. I look at it in this way: That in many registry offices the registrar is a figure-head. He is not a working head. In my judgment, where salaries are paid in that way, the registrar becomes simply a pensioner upon the general public. I consider that when a man is appointed to a position, and the salary is only six, or seven or eight hundred dollars or one thousand dollars, that he should be called upon to do that work and that a deputy should not be required. If there is work for two men, then I consider it justifiable to pay two men; but I am opposed to the principle of allowing sufficient salary for a man to be a figure-head and keep a deputy.

The CHAIRMAN: Q. That is good sound law and sense and business principles; but just one point is this: That in these registry offices one man cannot be there all the time. The office must be open during business hours. The registrar may be called away in consequence of having to attend court to produce papers under subpoena. He is not allowed to send them. He must have some kind of an assistant—it may be only a lad perhaps—who can be had at a small cost—but there must be some help, perhaps not amounting to the dignity of a deputy, but there must be some one there who is competent to receive people and documents and deal with them intelligently when they come in to do business when the registrar is necessarily absent. That could not be overcome? A. Not very well; because when a man registers a purchase of property it is necessary that that should be registered immediately.

Q. A mortgage comes in, and the question of priority may arise. Although in many cases the registrar is regarded as a mere bookkeeper, there is more than that in the office. Responsibility is connected with it. If the registrar makes a mistake he may be landed in a law-suit; and if he is absent from the office, as he must necessarily be sometimes, a person must be there who is able to do intelligent work.

A COMMISSIONER: Q. You do not disapprove of reasonable assistance, but you disapprove of what you consider unreasonable assistance? A. I do. I take it in this way: That in the majority of registry offices in the province of Ontario the payment for the clerical work is out of proportion to what it ought to be.

Mr. MASON: Q. The work for assistants? A. Yes.

Q. The disbursements in connection with the office? A. Yes; and there should be some way of revising that. It is generally known what the business is at the Port Hope registry office; it is known what the general run of business is in connection with it. That is the office for East Durham. I should say that there should be a certain percentage allowed for deputies.

The CHAIRMAN; Q. What percentage or figure is in your mind? A. I cannot name any.

Q. Is it as much as four or five hundred dollars? A. Not in an office like Port Hope.

Q. A couple of hundred dollars? A. I think that three hundred dollars would be fair for assistance; but when it comes to taking such a large percentage as in East Northumberland, I do not think it is right.

The CHAIRMAN: What is it?

Mr. MASON: The figures are these: East Durham, total receipts $1,265; disbursements $550; leaving $715. West Durham, total receipts $1,154; disbursements $500; leaving $654. Northumberland East, total receipts $2,417; disbursements $1,468; leaving $949. Northumberland West, $1,225; disbursements $438; balance $787.

The CHAIRMAN: Q. You think that the disbursements generally are too large? A. According to receipts of office a certain percentage should be set aside for deputy work, and there should a maximum and a minimum.

Q. What you mean is this: That having made a fair allowance for assistance, if the registrar has to pay more, he will have to pay it out of his salary? A. Yes; or do the work himself.

Mr. ROBINSON: Q. Then the deputy would hardly be under the control of the registrar? A. Oh yes, he would.

The CHAIRMAN: Q. You would leave him still under control of the chief?

Mr. ROBINSON: Mr. McCallum wants to fix the total amount necessary for assistance.

Mr. MASON: In three of the offices of this county the amount does not come up to the limit of $1,500.

Mr. HOBSON: It does not seem likely that a registrar would add to the cost of his office simply for the purpose of reducing the total, because he is loser by that.

Mr. MASON: He is a gainer under the old system. It depends also on the total amount of the fees. The new law makes a difference. We have not a copy here; but as I understand it the new law helps the municipalities in that way, so that the part the disbursements play is not important; in other words, it does not affect the municipality, although it did under the old system? A. I would like to call the attention of the Commission to officers paid wholly and exclusively by municipal councils. At present jailers, for instance, are appointed by the sheriff, subject to the approval of the Lieutenant-Governor in Council.

The CHAIRMAN: Q. The sheriff is responsible for the conduct of the jailer? A. I should make the appointment of the sheriff subject to the approval of the county council. I would make the appointment still by the sheriff, but would make the appointment subject to approval of the county council, as they pay the salary wholly.

Q. That seems reasonable enough. Have you fixed in your mind any average salary which should be given to registrars. Suppose they are to get an amount out of the fees, what would be a fair living salary, in your opinion, for registrars in the counties? A. Twelve hundred dollars.

Mr. HOBSON: Q. Net? A. Net. I think it is an office of trust.

The CHAIRMAN: Q. You are dealing with a case such as that of the present county, where there are four offices? A. Yes.

Q. In the case of a county having a population of 60,000 people and only one office, would you say a larger rate? A. No. I think that twelve hundred dollars is sufficient for the services of any one man as registrar.

Mr. HOBSON: Q. The responsibility would be greatly increased in the case of a population of 60,000 people. The registrar is responsible not only for his own mistakes but for those of his assistants. Would you make any allowance for that? A. I would make no allowance whatever for that. It is generally expected that all documents should be compared. He gets paid for that responsibility, and he must assume it.

Mr. ROBINSON: That is in counties.

The CHAIRMAN: Q. Do you think it should be more in cities? A. In cities I think it should be larger, but not to the extent of the present system.

Q. You would not go higher than two thousand dollars? A. Yes, I would. I would give two thousand five hundred dollars or three thousand dollars in a city like Toronto; because I consider there is a great deal more clerical work in connection with an office like Toronto, and the responsibility in connection with it is much larger. You may think my remarks are inconsistent, but I think that twelve hundred dollars is sufficient for the responsibility in any of our smaller registry offices.

Q. Do you measure that by reference to what is paid the county treasurer or any local standard? A. No; I measure it as a fair remuneration.

Q. What does your treasurer get? A. $1,450, less $200 for the London Guarantee Company, leaving net $1,250.

Mr. MASON: Then there are the perquisities in addition? A. If he has them, it is not to my knowledge.

The CHAIRMAN: Q. Some fees, but not much? A. Not much. I don't suppose his full salary is over $1,300.

Mr. BROOKS: Q. In what way do you explain that the responsibility is so much greater in the city than in a county which has towns and villages within its bounds—that the responsibility is so much greater as to warrant giving twice or three times as large a salary? A. In rural sections the transfer of property is meagre. The people become domesticated and settled. In cities there is the speculative element, that makes a great many changes and transfers of titles. Where there is a large amount of business done and a large amount of clerical work, and the registrar has to be responsible for it, then he should be paid for the responsibility. I think that twelve hundred dollars is a fair payment for the responsibility of a rural office.

Mr. MASON: Q. Although there might be slight differences in the responsibility as between one county and the other, yet, take it all round, twelve hundred dollars ought to be sufficient for the responsibility, the smaller as well as the greater? A. Yes.

Q. But in the city it is so much greater that there should be a difference? A. Yes.

Mr. HOBSON: Q. Then you base it on the volume of business as well as on the class of work? A. I base it on the volume of business, the number of extra clerks.

The CHAIRMAN: Q. And the liability of error in so many more clerks? A. Yes.

Mr. MASON: Q. So far as the county is concerned, there is rarely more than one additional? A. Yes.

The CHAIRMAN: Q. A man has to answer for himself in the country, and in the city he has to answer for a dozen or twenty? A. Yes.

Q. How do you grade the sheriff, as compared with the registrars, in respect of salary and position; what average should sheriffs have? A. I consider the office of sheriff is a very responsible position.

Mr. MASON: Q. More important than that of registrar? A. I do; because he is called upon to exercise his judgment in carrying out the law, and unless he is pretty well posted he is liable to make mistakes; and I consider the sheriff is entitled to a larger salary than the registrar.

The CHAIRMAN: Q. He has to be a lawyer or have a lawyer at his back very often? A. Yes.

Q. Then what would you say in counties? A. I think that the salary of the sheriff should be governed to some extent by the population.

Q. Taking sixty or eighty thousand as the population of these counties, what would you say? A. I think that in these united counties the net revenue of the sheriff should be from fifteen hundred to two thousand dollars. That is the net revenue. The limit should be two thousand dollars.

Q. Would you have a limit to the expenses of his office? A. You cannot limit the sheriff's office in the same way, because there are travelling expenses.

Mr. MASON: The total receipts of the sheriff of the counties were $3,200, and the disbursements were $1,750. Have you any idea why the disbursements were so out of proportion to his total receipts? A. I have audited the sheriff's accounts for the last four years. There is a great deal of detail work in connection with the sheriff's office that calls for assistance; for instance, jury summons and carrying on business at long distances.

Mr. MASON: Q. It is attributable largely to the extent of mileage? A. To the extent of mileage, yes. The disbursements of the sheriff's office are to a large extent uncontrollable by him.

Q. And caused in that way? A. Yes.

Q. So that this sum? A. Is not out of proportion.

Q. In small counties, where the disbursements are small it may be accounted for by the fact that the mileage is smaller? A. Yes. It has come under my observation that the sheriff has not had much for himself.

Mr. MASON: He only received $1,440.

The CHAIRMAN: Q. As a class, sheriffs are the poorest paid of all the officials? A. The sheriff is in these united counties.

Q. And that holds good in many counties too.

Mr. MASON: Q. Have you ever thought of the subject of audit in connection with these offices; that is either a provincial or a special audit of the accounts of the sheriff and registrar, and also of the municipal officers, such as the treasurer of the county? A. I will refer to the administration of criminal justice. The county judge is always one of the auditors; and the county council appoints two, one of whom is a member of the council and the other any one they choose to select. I think that that is a safe audit, when they have the county judge as chairman of the board, for dealing with the administration of criminal justice, more especially as the fees are regulated by statute. In auditing the charges made by the officials, we always refer to the statute governing the fee that they should receive, and if we find that the fee is not in accordance with the statute we strike it out.

Mr. MASON: Q. Do all three members of your board of audit attend? A. I have been there five years, and there has never been a session when all three members were not present, and during the whole of the session.

Q. And you think that is necessary? A. I refer to the counties of Northumberland and Durham.

Q. The practice has been different in your county? A. Yes; and in criminal justice these accounts are forwarded to the Government and revised there, and any charges made contrary to the statute, deductions are sent back to this audit and ordered to be made from the parties; so that there is practically a double audit.

Q. What do you say as to the accounts of the registrar and the county treasurer; what do you think with regard to your present audit or want of audit of the work of these offices? A. Well, I think the present audit might have an expert added; but when all accounts are published, in the way they are published in these counties, and circulated for distribution, showing how much money is received and paid, it would be soon known if there was anything wrong in the accounts of the county treasurer.

Q. The ordinary elector would not know whether the figures were right or not, especially as to the receipts. There is not so much difficulty about the disbursements. As a rule the defalcations occur in regard to the receipts? A. The general revenue of the county is derived from the municipality. The equalization committee strikes the rate which each township in the municipality shall pay. That is 75 per cent. of the bulk revenue. Each representative of the townships will see that the proportion of his municipality is right; so that 75 per cent. of the receipts come under the actual supervision of the township councils.

Q. What do you say as to the registry office accounts? They are not audited at all now. A. All accounts that are presented by the registrars come before the finance committee of the county council.

Q. But I am refering to his receipts and disbursements? A. They do not come under the observation of the county council at all.

Q. Do they come under the observation of anybody? A. No.

Q. Should they? A. If the present system is carried into force, that is, a certain percentage to the municipalities, my opinion is that there should be an official audit of all accounts.

The CHAIRMAN: By "official" do you mean an audit by a chartered accountant? A. I should say that the inspector should audit as well as inspect. I do not believe in creating another office for that purpose. He is there to do that.

Mr. MASON: Q. Do you think that one man would be able to do it throughout the whole province? A. I think so.

The CHAIRMAN: Q. In Stormont, Dundas and Glengarry they have had a chartered accountant acting with the local auditor, and they would not go back to the old system. They have a professional man come from Montreal. That is the audit of the ordinary municipal accounts. A. Probably they have acted on the principle that the burnt child dreads the fire. We pay our auditors $30 a year. One is appointed by the warden, one by the council, and the warden appoints a man from his county.

Mr. HOBSON: Q. How long does it take them? A. About three days; sometimes four.

The CHAIRMAN: Q. As to the license inspectors; is there any reason to question the efficiency of the present system, or any reason for making a change? A. I think that the present license system is the best that has ever been in force in the province of Ontario.

Q. That is, that the appointment by Government gives better results? A. Yes. But I will put a qualifying clause to that. I think that the Government absorbs too much of the gross receipts of the license fund for their own purposes. Enough does not come to the municipality.

Mr. MASON: Q. The proportion has been changed once or twice? A. Yes.

Q. Giving more to the municipality? A. I do not know that the proportion the Government takes has been changed in the last few years.

Mr. MASON: Yes; but the change in the amount that the Government received was immaterial.

Mr. ROBINSON: Q. Has there been any complaint or grumbling in your county respecting the manner of these appointments to your knowledge; have you heard it discussed or complained of? A. Not to my knowledge.

Q. It has not attracted much attention up to the present time? A. No. As the Board is well aware, there is always more or less dissatisfaction when an appointment is made: somebody else thinks that he ought to have received the appointment, and it is more or less natural that he should; but in general the appointments have been satisfactory so far as I know. A feeling exists in the county council that the Government centralizes too much the appointment of officers.

Mr. MASON: Q. Has it come up in the county council? A. No; because it is a rule amongst us that we bring up nothing of a political nature. It has been an informal discussion.

Q. And the discussion brought out the idea that the county council were somewhat too much limited? A. Yes. There is an opinion that the Government takes upon itself the appointment of too many officials; that there is too much centralization. Still, I do not see that our appointing these officials would be any better at the present time.

The CHAIRMAN: You have thought out these questions carefully.

RICHARD WILSON, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are mayor of Cobourg? You have been some years in the council? A. Two years as mayor, and also as councillor.

Q. You have lived here a long time? A. Yes.

Q. You have had a list of the questions? A. Yes.

Q. What is your opinion about appointing these officers or any of them? A. I have paid very little attention to the question; but as far as I have done so I think that the present system is as good as we could have.

Q. There has not been much agitation or discussion of the question in your locality? A. No.

Q. That is in Cobourg? A. That is in Cobourg. Of course I do not belong to the county council.

Q. How many members have you in the Cobourg council? A. Nine, and the mayor.

Q. And the population is 5,000? A. Between four and five thousand.

Q. On the head of compensation; remuneration of the officers, what do you say? A. I think the general principle of paying them by fees is the best. I would have the amount retained by the officer regulated by what he has to do. That is substantially the present system; although I think it should be added that the amount allowed for assistance should be in proportion to the work done.

Q. Not left in the discretion of the chief officer. Let him choose his men? A. Yes.

Q. But their payment be fixed? A. Yes. It might be very awkward to have an outside body appoint a man to work with the chief officer.

Q. The chief officer is responsible for the other men, and ought to have the choice of the man he is to be responsible for, even if the salary be fixed by another? A. Yes.

Q. Do you express any opinion as to the amount that the county registrars and sheriffs should have? A. I would fix the amount by the quantity of work.

Q. Mr. McCallum expresses the opinion that the salaries of registrars should be twelve hundred dollars? A. I think that would be little enough for a county of this size. Where there is about the same amount of work as in this county, I do not think twelve hundred dollars would be out of the way. Others could do with less, and others with a little more.

Q. As to county attorneys and clerks of the peace, would you have a fixed salary or pay them by fees? A. I would put all these offices on the same footing and pay them by fees, funding the fees over a certain amount.

Q. Except Division Court clerks and bailiffs? A. I really do not know about them.

W. MACPHERSON, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are deputy-reeve of Charlottenburg? A. Yes.

Q. How long have you been in the council? A. This is my first year.

Q. How long have you lived in the county? A. About thirty years.

Q. What do you think about the method of appointing these different officers; have you formed any opinion on that question? How they should be appointed? Should any change be made, to election by the people, or to appointment by the county councils? A. Yes. If any of them, I think I would favor that part of it, appointment by the county council. I would not say by the people.

Q. Would you favor election by the county councils rather than by the present system? A. As far as we are concerned, here, we are well fixed for officers; but according to what we read about other places, it might be better.

Q. You mean that they have not as good officers in other counties? A. According to what we read some times.

Q. How would that be cured by the county councils having the appointments? A. As far as the officials of the county councils are concerned, they appoint very good ones here, and they have reason to know the ones they appoint. They know that an official is a good man before they appoint him.

Q. That is, the county treasurer and county clerk, ? A. The county treasurer and the county clerk, yes, sir.

Q. Do you think that they would have the means of exercising the same judgment in appointing the sheriff, for instance? A. Yes.

Q. Or the county attorney? A. I think s o.

Q. Would you favor that appointment as a general system, instead of the government appointment; to let it be in the hands of the county councils all over the province; do you think that would have a beneficial effect? A. Yes, I think so. In my opinion it would.

Q. How long would these officers be appointed for? A. Oh, well, I don't know; but not yearly, certainly.

Q. Would you have them appointed as permanent officers? A. Yes; if they would fulfil the duties properly.

Q. Do you think that politics would enter into the appointments if the county council had them? A. I would not think so.

Q. If the councils had the appointing of all these different officers, registrars, county masters, sheriffs, county attorneys, Division Court clerks and bailiffs, etc., don't you think that the elections for the office of councillor would be conducted on different lines from what they are at present; if the councillors were to have all that patronage? A. I could not say what might happen, but I would not think so.

Q. You think the councils would be elected just in the same way, even although they had the giving of these different positions, that politics would not enter into the elections: that giving to the county council the power the Government now have would not result in a division upon party lines in municipal elections? A. They do not, as far as I know.

Q. Because the patronage is very limited. They have merely to appoint the two officers, who are generally continued. But if you increase that authority and power? A. I would not undertake to say what they might do.

Mr. BROOKS: Under the present system of appointment, have you the idea that these offices are filled as a reward for party services? A. In some cases I would think so.

The CHAIRMAN: Q. It is open to that observation? A. Yes.

Q. Then you think that that element of disadvantage might be taken away if the county councils had the control? A. I think it would.

Mr. MASON: Q. Do you think that the element of favoritism would come in at all if county councils had the control? A. I don't think they would have much chance.

Mr. MASON: It has been said by some of our witnesses that if the appointments were left to the county councils they would be apt to elect to these offices some of their own number, or someone who had been with them for years and with whom they had become personally friendly; and that that would enter into the question of election more than the actual qualifications of the different persons. What do you think as to that? A. I would not think so. Because they do not have county councillors in very long, as a rule.

Q. Do you think that local preferences would play any part, as between different parts of the municipality? A. I don't see how it could.

Q What I mean is this: Do you think there would be some such idea as this, especially in a municipality like yours composed of three different counties, that if one officer were chosen from one part of the constituency, another officer should come from another part, and the appointments be divided up in that way? A. That might occur all right enough.

Q. And assuming that Cornwall—I wonder that it has not become so already—but assuming that sooner or later Cornwall would become a city and

would be divided from the counties for municipal purposes, would there be any difficulty then, as between the city and the rest of the municipality, in the appointment by the county council of these officers? A. Would it still remain in the——

Q. No, it would not. Assuming that it was separate. It has been said up in the west, where there are cities that do not form part of the municipality for municipal purposes, that they would have no voice in the election of these officers, and yet have to contribute the greater part of their salaries. Do you think that any difficulty would arise in regard to that here, assuming that Cornwall became a city and had no voice in the election of these officers, and yet had to pay a large proportion of them? A. No; I do not think that that would make any difference.

The CHAIRMAN: Q. Do you think that the objections you have to the present system would be met by having the council nominate a list of suitable persons to the Government out of which a choice might be made. A. That would not be bad.

Q. The councils would have the local knowledge to choose the men; they would be in some sense responsible for the names submitted to the Government, who would then have the information from a local source which would guide them in making the choice. That would meet all the objections that you have heard urged, would it not? A. Yes; I think that would be pretty good.

Mr. MASON: Q. Would you still have Government inspection of these offices if the county council made the appointments? A. Yes.

Q. You think that Government inspection would be better than county council inspection? A. Yes, I think so.

Q. Do you think that difficulty might possibly arise then, as a result of inspection by the Government, with no power on the part of the Government to dismiss? Might not a difficulty arise between the Government inspection and the action of the council on the result of that inspection? A. The inspector could report to the council.

Q. Supposing the council refused to take any action? A. I do not think that they would, if there was anything seriously wrong.

The CHAIRMAN: Q. Would you favor an audit of accounts? I am speaking now of the accounts of registrars as well as municipal accounts generally. Would you favor an audit by qualified auditors, such as chartered accountants, instead of the present system? A. Yes, sir; I think that they should do that.

Q. That is the county accounts as well? Have you a chartered accountant here? A. Yes.

Q. In the municipality? A. One from Montreal.

Q. Does the council employ him? A. The county council employs him.

Q. Do you think that it would be an advantage to have all the municipalities subject to the same supervision of accounts? A. Well, to have a chartered accountant?

Mr. HOBSON: To audit by an expert.

The CHAIRMAN: I speak of a chartered accountant simply as a competent person. I mean a competent accountant who is an expert, and capable of dealing with the subject intelligently.

Q. You think that would be better than leaving it to others? A. Yes; I think they should have an expert.

Q. How long does it take this gentleman from Montreal to audit your accounts in this county? A. The treasurer, I think, helps him; gets ready the work.

Mr. HOBSON: This is the first time we have met a place where there was a professional auditor.

The CHAIRMAN: Q. Then as to the compensation of these different officers. It is assumed that fees will still be collected; no objection has been made anywhere to that. Fees still being collected for the different services, how should these fees be dealt with? Should a fixed salary be paid out of them, or should the officer be allowed to collect all he could get? A. I think just about the way it is, except that a maximum should be fixed.

Q. Up to a certain amount the officer should get the fees, and after that account for them to the Government? A. Yes; I think that would be an improvement.

Q. Then what maximum would you fix as to registrars and sheriffs? A. I don't know.

Q. You have not worked that out? A. No.

Q. Would you fix that by the circumstances of the case—according to where the man lived, the amount of revenue from his office, and the responsibility attaching to it; each office on its own footing? A. Yes.

Mr. MASON: Q. Do you think that the surplus fees should be on one percentage or on a sliding scale; which would you think preferable? A. As long as a maximum was fixed.

Q. When a certain sum was reached, it should not go beyond that? A. Not at all.

Q. There should be no percentage beyond the maximum? A. I should think not.

Mr. HOBSON: Q. Would that be quite right? The responsibility would increase in proportion to the work done. Now, do not you think some allowance should be made for the increased responsibility as well as the increased work?

Mr. MASON: I understood Mr. Macpherson to say that there should be a salary as a starting point and that beyond that he should get a certain percentage, but that a maximum should be set beyond which the officer should not get any more?

WITNESS: Yes, that is it.

Q. Assuming, for instance, that you fixed $1,500 as the salary; then a percentage of the fees up to $2,000, and nothing beyond that? A. That is it.

Mr. ROBINSON: Q. Was any money lost in any of your offices before the expert accountant was brought up from Montreal? A. I believe there was.

The CHAIRMAN: Q. How long has he been employed? A. That was rather before my time.

Mr. MASON: Q. Have you heard any complaints about Division Court clerks and bailiffs in your township, as to the manner in which they perform their duties? A. I don't know that I have.

Q. We have been told that in some places the bailiffs are in the habit of promoting litigation for the purpose of increasing the fees. Have you heard any complaint of that kind? A. No.

Q. Sometimes you would hear complaints about the performance of their duties? A. Sometimes.

The CHAIRMAN: Q. Do you think that county councils could appoint Division Court clerks and bailiffs? A. I think perhaps the judge would be the best person to appoint the clerk.

Q That was the old system? A. Yes. The council might make the nomination if they liked, but I think the judge would be the best man to appoint.

Q. He would know the sort of man wanted? A. Yes.

Q. That is perhaps where the councils would fail; they might get an honest, upright and intelligent man, but they might not know the best man to do that particular work? A. They might not, certainly.

Mr. BROOKS: Q. As far as you know, is there any great desire on the part of the people to have the election of these officers either by themselves or by the councils? A. No; there is not very much talk about it in our section.

Mr. MASON: Q. Has it been brought forward in your council? A. No.

Q. You have not any special grievance in this matter; you are well served? A. Pretty well served.

DONALD P. McKINNON, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You reside in the county of Stormont? A. Yes.

Q. Have you held any municipal office? A. I was once in the council.

Q. What is your opinion as to the manner of appointing the different officers that we are dealing with? A. I may say in a word that I am satisfied with the present system.

Q. You would not advocate any change? A. Not in those officers mentioned in the list.

Q. As to the maner of paying them, what do you say? A. I approve of the fee system.

Q. That is, you approve generally of the present system? A. I approve generally of the present system, with the amendments of last session. I believe that the present system is as practical a way of managing the public business of the province as can be devised at the present time.

Q. Do you think that Division Court clerks and bailiffs could be appointed by the county council with advantage. A. I believe they would be more subject to local influence. Local influence would be brought to bear upon them if they were so appointed.

Q. The Division Courts are local courts. Do you think it would be better to keep the appointment of these officers as it is at present? To have the appointments made by the Government? A. The appointment should be made by the Government, and the Government should retain control. The Government should have the power of dismissing or suspending the officers, or otherwise dealing with them. I believe that while the Government is responsible for the enactment of laws they should retain the power of enforcing those laws.

Q. Why would you not approve of county councils appointing the different officers? A. I believe it would be made a political question, like the election of warden. It is well known in these united counties that even the election of warden often resolves itself into a political issue. It is not an uncommon thing at all to hear, after the municipal elections are over, the officers and the elected members of these councils, speculating as to who will be the warden; and they will at once count up the reeves and deputies of the different townships, with their political leanings; and they can almost to a certainty name the gentleman who is to be the warden for that year.

A Commissioner: Q. Almost as they can fix the president of the United States before the votes are counted? A. It has been done; and any offices that are at all remunerative would be speculated on in the same way; and the enforcement of the law would not be as effective as it is under the present system.

The Chairman: Q. How about the people choosing at the polls; a popular vote: could you work that in a joint county of sixty thousand people with any sort of certainty or propriety or economy? A. Not so much so as it may be worked after the election of the reeves and deputy reeves; but in my opinion it would place the people in more confusion than under the present system. There is no complaint, so far as I am aware, in these united counties, of the inefficiency of any public officers; but I am not so sure that under a changed system there would be as efficient a lot of officers secured. There might be.

Q. But you would not favor the experiment in order to see. Things being as well as they are, you would leave them alone? A. That is my judgment.

Q. Has there being any discussion of these questions in your locality? A. Nothing more than in the usual way, in a general way. There is the agitation of the Patrons of Industry, with their platform.

Mr. Robinson: Q. Have the license commissioners taken an active part in politics to your knowledge? A. I happen to be one of them myself. So far as I am concerned, I attend to the proper discharge of my duties, and I exercise my rights as a citizen and an elector, and I try to refrain from entering into unnecessary political issues, so long as I am allowed to remain; but if attacked, I am of that disposition that I am inclined to defend myself.

Mr. Brooks: Q. You never make yourself liable to attack? A. I do not think so. I try to avoid it.

D. H. MINAKER, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are the town clerk? A. Yes.

Q. How long have you held that office? A. Two years.

Q. Have you seen this list of questions? A. I looked over it only about two hours ago; I think that some changes might be made to the advantage of the general public; the public in the rural districts are claiming more consideration in reference to appointments than they have had in the past, and I therefore think that some changes can advantageously be made; in reference to the license system I think that the advance of education and the general improvement in every department of life demand a better class of hotels than we formerly had.

Mr. HOBSON: Q. Would you advise the appointments to be put in other hands; that is the question we are dealing with? A. I would have a board of commissioners, composed of judges, who are in a sense above the people, to make appointments; I would take it out of the political arena completely; in nineteen cases out of twenty we would have a better consideration of the merits of each case and a better class of applicants under such a system; I think the Government started out on a fair and reasonable basis; there was a representation from both political parties; but that is not so now; in fact, it is all on one side

The CHAIRMAN: Q. Do you advocate a change in the system of appointment as to any other officers? A. I think that the municipalities paying should have more to say; I think that the Government should have the oversight in some way; yet I do not think matters should be in the hands of the Government to the extent they are; in case of sheriffs, for instance, where the counties have to pay, yet I would not like to speak on that without considering it more than I have done.

Q. Then as to compensation; have you formed an opinion as to paying the officers? A. I think that there should be a consideration between the small and the large municipalities in reference to the sheriffs and registrars; the difference between the small and the large should be a consideration in the salary; I think that $1,500 in some small municipalities would be too large, whereas in others and larger ones it would be fair enough; in cities it would be too small.

Q. Each case should be dealt with on its own merits and circumstances? A. Yes.

GEORGE SPENCE, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are a member of the town council: have you a list of the questions? A. Yes.

Q. What is your opinion in the matter of appointment? A. The registrars of deeds, local masters, and sheriffs, I think, should be appointed by the Government, as at present; local and deputy registrars, deputy clerks of the Crown, and clerks of the County Court, as to these, I think the judges of the courts are the best source of appointment; but I would not give a settled opinion on that, as I am not sufficiently posted on their work.

Q. County attorneys and clerks of the peace? A. The Government should appoint them; Division Court clerks and bailiffs, the county judges should appoint them; the county judges come in contact with them, and they are their servants.

Q. Then you are not in favor of appointment by the municipal council or election by the popular vote? A. No; my experience is that the appointment of these officers is better out of the hands of the council altogether

Q. Why do you think it is better out? A. It leads to trouble in the council sometimes to get an appointment made; Government appointment takes the question out of the local arena.

Mr. ROBINSON: Q. It breeds trouble in the council at times? A. Yes.

The CHAIRMAN: Q. How about election by the people? A. It is out of the question; it would be very expensive, and would not lead to a good selection; in addition to these officers the police magistrates are at present appointed by the Government; I would be in favor of making the police magistrate for the town police magistrate for the whole county also; there has to be a county judge holding a County Court to try trivial cases which could be settled by police magistrates; police magistrates, being appointed by the Government, should be paid by the Government instead of by the town; at present the Government appoints and the town pays the salary; the Government fixes the salary and we pay it; we have had no trouble in that respect here, but it is a thing apt to lead to trouble sometimes, and in fact the Government may fix a salary that a town feels it is unable to pay; our magistrate here accepts a lower salary than the Government allows him just for that reason; but that puts us in the position that we are debtors to him.

Q. He has another office, I think? A. Yes; but I very decidedly think that the party that appoints officers should pay them.

Q. As to license inspectors and commissioners, would you take their appointment out of the hands of the Government? A. No, I would not; I would leave it as it is, as far as the commissioners are concerned; I would abolish the inspectors and let the police supervise the liquor trade.

Q. Then as to the pay of these officers, should it be by fees or a fixed salary? A. I would pay them a fixed salary in all cases; I think that the Government of the country should be run on business principles, and you cannot find any business firm that I am aware of that pays their officials and servants by fees.

Q. Except the man who collects debts? A. That is often done by salary too; I think that the larger firms mostly pay salary.

Q In the case of the sheriff, do not you think that he would be more active if paid by fees? A. No; I do not think he would. A person who has got an execution, unless pretty active in looking after it himself, generally is a long time before having attention paid to it, even as it is at present; it is necessary to look after the sheriff yourself, tell him what to do and where to go; and he would be bound to act under a salary as promptly for you as he does at present.

Q. Have you thought of the amount to go to these officers? A. I would not venture an opinion on that at all; if some of them were paid according to the work they have to do and the amount of ability required to do it I think they would get a pretty small salary.

Q. Would you have these men attend to any other work than the work of their own offices? A. No; I would not.

Q. But when they have very small salaries? A. I would give them fair salaries, and either extend their territory or combine two or more offices.

Q. Even though the fees of the office they collected might not come up to that? A. Yes; by combining offices you could increase their salaries sufficiently.

Q. Then the balance would have to come out of the general revenue? A. Yes; I would take all these things out of the general revenue, and have the fees put into the general revenue.

SAMUEL CLARK, by request of the Commissioners, appeared before the Board and being interrogated stated as follows:

The CHAIRMAN: Q. You live in Cobourg? A. Yes.

Q. What municipal office do you hold? A. I am a member of the Cobourg Town Trust. It is under a special Act.

Q. Looking at the list of officers, what do you say as to the manner of appointment? A. I have looked over the list, and I fail to find anything that would be better than the present method. I do not see any way by which the municipal councils or the county councils, or even the judges, could make more efficient and satisfactory appointments than the Government does. It does not seem to me that the same reverence and regard would be paid to these officers if they were otherwise appointed. I think there are more strings to work through these municipal lines than in approaching the Government.

Q. Is there any complaint to make of the present system, as far as you can judge? A. We had a case here in reference to the judge's appointment of Division Court clerks. He made probably a very good appointment; he appointed his son.

Mr. ROBINSON: Q. You are speaking of years ago? A. Yes; I suppose that if we had the judge to appoint again he would appoint his son again. I do not know any reason why he should not, if the son is a suitable man. But as an old municipal councillor of ten or twelve years' experience, I believe that if there was a majority of Grits in the council that Grit officials would be appointed, and if there was a majority of Tories, the Tories would be appointed. I suppose that that is the charge with reference to the Government—that the Grit Government appoints Grits and the Tory Government appoints Tories. So that it would be about the same.

The CHAIRMAN: Q. That is the way the system works? A. Yes; I speak of that to show that I do not see any object in taking the appointments from the Government, because they will be political appointments anyway.

Mr. BROOKS: Q. If made by the councils? A. Yes.

Q. Or by the people? A. Yes, by the people. According to my experience, it runs in those lines.

The CHAIRMAN: Q. You would not change the manner of appointment so as to see how it would work? A. I know of no remedy. If we had an officer elected by the people of the riding, if there was a majority of Grits, he would get it, if he were a respectable man; of course, there would be some regard paid to that.

Mr. Robinson : Q. He would not be elected on his business capacity ? A. Oh, no. The Grits ; if he was a good business man on the other side he would not be elected even if he were quite as good as the other.

The Chairman : Q. You think that the first question would be : "What are his politics ?" A. I think that would be the first point.

Mr. Hobson : Q. Then you think that the Government would pay more attention to the qualifications of a man than the local council would ? A. I think so.

Q. Is there anything in the fact that the council changes every year ? A. Yes. After a man is once appointed by our municipal councils, if he is of good behavior, he stays there through all the changes. So that I do not think that the councils being changed every year would affect the matter. At the same time I think that the appointees under the Government would have more regard to their acts than if they were directly responsible to the town council or the county council. They would feel quite differently.

The Chairman : Q. It has been found to work so in the general system in the United States ; that is, the federal officers, who are appointed by the Executive Government of the United States, are found in practice to perform their duties much more effectively and fearlessly than the State officers, who are elected by the people. The reason is thought to be that they feel themselves to be officers of the Government and not officers of a local body ? A. Yes. Suppose that I was a member of the town council, and something was wrong with an official appointed by the council, he would apply to me to help him. Socially I am in touch with the man, and he knows I will do all I can. But he has not the same strength with the Government ; he has not the same hold upon them. Consequently, I think that appointments should be made by the Government, because the officials would feel their responsibility to be greater than if locally appointed.

Q. As to license inspectors and commissioners, would your remarks apply with the same force to them, as being Government officers ? A. It would not do for the local bodies to appoint the license inspector, because he would be in trouble all the time. It might be done, but it would not be effective.

Q. You think that it was a good change to take it from the municipalities A. I think so.

Q. Do you remember what particular circumstances led to that change ? A. My recollection is that at the time it was a fight for who should have the licenses ; every ward politician man wanted one for his man, and there was not the same regard paid to the standing of the hotel that there is at the present time.

Q. There were too great facilities for granting licenses ? A. Yes ; it was personal friendship. We have a far better class of hotels now than we had then. That is our experience in this town.

Q. I think it is generally agreed that the people getting service should pay for it ; but should the officials be paid by fees ? A. The difficulty in regard to salaries would be that you would have three or four men doing one man's work. If there were a salary paid to a head official, he would require two or three people to help him.

Q. Do you favor the present system of letting the officer keep the fees up to a certain amount, and then turn over the surplus, with perhaps a percentage

deducted? A. I think that their fees should give them respectable salaries, suitable for the positions, and when in excess of that the fees should be accounted for.

Q. Do you approve of fifteen hundred dollars for the registrar and two thousand dollars for the sheriff? A. It would be different in different counties. For instance, the sheriff or registrar in Toronto has greater responsibility than the sheriff or registrar in this county. In a general way, for a town such as this, two thousand dollars for the sheriff and fifteen hundred dollars for the registrar would be very fair.

Q. Would you have any percentages above those sums, or would you say: "That is a fixed sum over which they shall not benefit by the fees"? A. After their expenses?

Q. Yes; clear to themselves? A. Well, I think those amounts are sufficient. I think that after that they have no right to go any higher. They should be paid the same as citizens of similar standing. I think that when a man has a fixed salary he is more likely to do his work by deputy than if he is paid by fees.

Q. That is the present system that you approve of? A. I think the present system has an advantage for that very reason; that if you pay a fixed salary you have a great many deputies, and the actual amount paid is greater than at the present time, and not so fairly distributed.

EDWARD C. S. HUYCKE, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are a barrister? A. Yes.

Q. And a member of the town council? A. Yes.

Q. What do you say as to the manner of appointment? A. On the whole I agree with the present system. I think it is probably better than any other method I have seen suggested. The three ways that have received attention are, popular election, appointment by the county council, and appointment by Government; of these I prefer appointment by the Government, as being responsible. Failing that, I would favor popular election; because my experience of a municipal corporation is that the appointment would descend into a manner of election, by a smaller body, without the good features of popular election. I think it would degenerate into a mere election by a few electors instead of by a large body.

Mr. BROOKS: Q. Would you take the members of the county council as being representatives of the people, as well as members of Parliament? A. I suppose so; but there are so many of them that it would just degenerate into an election fight, the same as it would if the election were by the whole county. That is my judgment, from the observations I have made.

The CHAIRMAN: Q. You recognize many objectionable features in it? A. I do. I think on the whole that our system of appointment is preferable to the elective system as we see it in the United States. It gives more satisfaction, and results in getting a better class of officials.

Q. As to Division Court clerks and bailiffs; do you think there would be any benefit in allowing the county councils to appoint them, as they are merely local officers? A. I do not see any objection, nor do I see any great benefit in it.

Q. Principal Grant threw out the idea that it is well to magnify the functions of these bodies, and so on; but I do not know whether there is any feeling throughout the country that the small local government bodies are not sufficiently recognized. Would there be anything in that idea as to the appointment of these officers? A. I do not think so. I do not see any harm in it. They would appoint very good men, but no better than are appointed now.

Q. Some witnesses say that in the case of these Division Court clerks and bailiffs many petty questions arise which are annoying and embarrassing, but not sufficient to warrant a formal complaint to Toronto; but if the councils and reeves of the locality had the appointment, complaints could be made to them and a remedy applied at once inexpensively and expeditiously? A. Possibly so; but it seems to me that these things ought to be remedied by a proper inspection, such as I suppose is made at present.

Q. We have heard that the inspector responds to any complaint promptly? A. So far as I know he does.

Q. So that there would be no reason for making any change? A. I do not see any great gain in a change.

Q. Then as to the county attorney and clerk of the peace, do you think it would be advantageous to put him on a fixed salary, instead of paying him by the collection of fees? A. I think as to that and as to the other offices there should be a limit to the fees; and in fact I think a Bill passed in relation to that at the last session, which met my ideas fairly well.

Q. I asked rather in this view: as a quasi judicial officer, concerned in the prosecution of matters, it is said that there is a tendency in some cases, where the fees are not coming in quickly, to run everything as far as can be done, to exhaust and multiply things that perhaps are needlessly done, and to make fees; and that if he were paid by salary he would only prosecute matters which were of sufficent importance to justify it? A. There might be that danger, but if paid by salary only there might be the opposite danger of neglect and want of zeal.

Q. So that there are two conflicting views to be considered, and if there is no very crying grievance it is better to leave things as they are? A. It seems so to me. The one danger is as great as the other.

Q. And there being a counterpoise of danger, it is better not to experiment? A. I think so. It depends on individual cases.

Q. Take another office which is still more of a judicial character, that of a local master. Do you think it would be of advantage to have the fees taken by him, or a fixed salary. Has he commuted in this county? A. No; he has not commuted.

Q. Would a salary or fees be better? A. The difficulty is just here. I think perhaps as to the local master a salary might be as well; but the difficulty is that since the Devolution of Estates Act his fees dwindled considerably, and if paid by salary he would be paid more than the fees amount to. Here and in some of the surrounding counties the fees have gone down very much, and the office of local master does not amount to much.

Q. Then it would be all the more likely to go to the county judge when a vacancy occurred? A. Almost necessarily.

Q. There would not be enough to pay one man? A. There would not.

Q. Mr. Dumble is master here? A. Yes; and he is also police magistrate of the town.

Q. And the deputy clerk of the Crown, the registrar of the Surrogate Court, and the clerk of the County Court are all in one? A. Yes.

Q. Then I think you have said generally, as to compensation, you think the present method of dealing with the officers is satisfactory in principle? A. I think so: as by the late amendments disposing of the surplus.

Q. Have you any opinion as to what the fixed amount received by registrar and sheriff and county attorney should be? A. I do not think that proper men, those that are responsible and good officers, proper men for the discharge of these duties should be asked to take less than a couple of thousand dollars for any of these offices.

Q. You put them on the same footing as regards compensation? A. I do not see any great difference between them. That depends somewhat on the amount of work. Some have more than others.

Q. In this county you have four registrars. You would not put them all on that footing? A. In this particular case I would not. In reference to the sheriff one thing strikes me; I do not know that it is a crying abuse; but the collection of debts by legal machinery is rather expensive. It seems to me that in small amounts the poundage that the sheriffs get is all right, but in large amounts the percentage becomes too much, and is a hardship.

Mr. ROBINSON: Q. What is it? A. 6 per cent.

The CHAIRMAN: Q. It begins with that? A. 6 per cent. is the lowest percentage.

Q. Is it more than that on the small sum? A. Yes. Then, of course, there are additional fees on levies; so that altogether, in the case of a large sum it more than pays the sheriff for his work, and is hard on the debtor.

Q. But taking the county on an average, the fees are insufficient to give the sheriff the amount you name? A. Yes.

Q. And in some cases the officer has to do his work for nothing? A. Yes.

Q. Some one has to pay, and you have to take the fat with the lean? A. No doubt the sheriff gets nothing for many things that he does.

Mr. ROBINSON: Q. The fee that the sheriff charges for his certificate of title, $1.05, was rather too much? A. On the other hand I think with reference to that that there is a certain responsibility which arises by giving that certificate. He makes himself responsible. I do not think it is too much.

Mr. HOBSON: Q. We know that the sheriff often goes long distances and gets nothing for it.

Mr. ROBINSON: Q. Have there been any complaints about the Division Court work? A. There are complaints about the amount of charges in the Division Court; at least I have heard so. The fees are perhaps not more than enough to pay officers for their work; but in collecting a debt of ten dollars, or even less, the costs are sometimes double the amount.

The CHAIRMAN: Q. How can that practically be dealt with? The tariff is settled by the statute, and in itself cannot be considered exorbitant. These are necessary courts; you must have clerks and bailiffs, and they must be paid something. Now, I should like to see the fees in these little courts swept away entirely and the administration of justice freed from them. But would the municipality pay the expenses? They would rebel at once. A. I do not know that the fees are exorbitant, considering the services performed by the clerk and bailiff.

Q. But they seem large to a poor man? A. Yes. The difficulty is that the costs are not proportioned sufficiently. It costs nearly as much to collect ten dollars as one hundred dollars. I do not know that it could be remedied so as to apply to all cases.

Q. Has litigation in these courts decreased very much? A. I think it has decreased. I think, sometimes, that the very fact of these costs being excessive has resulted in people not suing. They are afraid to incur the costs themselves or run the risk of not getting it from a poor man, and they would rather lose the debt.

Mr. ROBINSON: Q. Whereas, if the Government paid the expense there would be a large number of suits? A. Yes.

The CHAIRMAN: Q. Cheap law is a curse, there is no doubt about that, because every man goes to law with his neighbour and the country is upside down.

JAMES EDMUNSTONE, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Mr. ROBINSON: Q. Have you been in municipal matters some years? A. No, sir, I have not been in municipal matters, but I have always taken an active part in municipal and political affairs and an interest in anything that is going on.

Q. Have you taken sufficient interest to give these gentlemen, who occupy certain offices, such as sheriff and registrar, some consideration? Do you know that they are appointed now by the Government? A. Yes.

Q. And if you have given their positions or places some thought are you inclined to make any change in the manner of their appointment? A. No, not unless there is to be some change.

Q. Then, as to the manner of payment, would you keep them on the payment by fees, or put them on salary? A. No; I would pay them fees, as at present. I would let those that require their services pay for them.

Q. Those that do the business in their offices? A. Yes.

Q. Have you anything to complain of the conduct of public officials in your county? A. No.

Q. Their duties have been satisfactorily performed in your opinion? A. Yes, very well done here, I think.

Q. Are they exorbitantly paid? Are they paid too much? A. Well, as to that I cannot say. I would like them to have a fair, reasonable, living payment as salaries.

Mr. Brook: Would you like to know what all these officers do receive, or would you have them paid by salary, so that the public would know exactly what they get? A. If they were paid out of the public rate I would say a salary, but as they are paid by those who employ them, I think it is right that those who employ them should pay them.

Mr. Robinson: Q. Do you know anything about the inspectors of licenses? Have you any changes to suggest as to the mode of doing business, or the appointment, or anything about them? A. Well, they are appointed by the Government.

Q. Do you see any objection? A. No.

Q. Is the matter of their appointment agitating your community? A. Well, no. We discussed the patron platform in our association when it was being organized, and the way we understood it was that we wanted a change only in those whom we paid directly from the rates; that is the way I understood it.

Q. Who were paid, as it were, directly from the rates? A. Yes.

Q. You don't want to interfere with the persons doing business in the office having to pay themselves? A. No.

Mr. Brooks: Q. You think, then, that the Government appointments is better than being elected by the people, or by the county council? A. I would never have these appointed by the county council. If it came to anything I would have it direct by the people but it is a better mode, I think, and better men are selected, by the Government, than by popular vote, or municipal selection.

Mr. Robinson: Q. Good men are had by the present system? A. Yes.

Mr. Brooks: Q. Has it ever appeared to you that these men have received office or appointment as a reward for party services? A. Well, yes; it has come that way; even our present registrar was appointed that way; he was an unsuccessful candidate for this riding, and he got the appointment.

Mr. Robinson: Q. Got his reward you think? A. I do not know. It was right enough I think; he was a good man

Q. And do you think the same sort of thing would go on if the appointments were by the county council? A. Yes, it would, and worse.

Mr. Hobson: Q. You have no reason to suppose that the public has suffered by the appointments being made in the way they have? A. No; that has not been the case in this section.

Mr. Robinson: Q. Are you farming, sir? A. Yes, sir. I have farmed for a number of years, although I was not brought up to that. If there is to be any change at all in the mode of appointment, I think all officials should be appointed for a term of five years, whether elected, or appointed by the people, the same principle ought to prevail. I am opposed to all superannuations or gratuities.

REV. WILLIAM McKEE, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Mr. Robinson: Q. Are you a resident of this county? A. I have been thirty-six years in this county.

Q. And I dare say acquainted with a large number of people? A. Yes; I am acquainted with nearly every township, the leading men in it on both sides.

Q. You may have noticed that we examined the Rev. Mr. Grant in Kingston? A. Yes.

Q. Did you read his answers to the different questions? A. Yes; I read his answers to the various questions.

Q. Did his answers meet with your approval or disapproval? A. Yes; I entirely sympathized with and concurred in the views which he presented, so far as I remember them.

Q. Do you recollect now, what he said about the license inspectors? A. He suggested a change in regard to the appointment.

Q. What do you think of that? A. Well, I think that the change he suggested would be a great improvement.

Q. Could you give us a reason? A. Yes; I have observed the actions of the license inspectors for this county, and my decided conviction is that they were unfaithful in the discharge of their duty, and they did not enforce the law, or seek to enforce it.

Q. Is that lately? A. I cannot testify in regard to the present inspector, that is Mr. Lyons, I know nothing against him. I am a member of the Ministerial Association in Barrie for the last six years, and we repeatedly had under consideration the conduct of the license inspector for this district, for Centre Simcoe, and we were unanimously of the opinion that he was entirely unfaithful in the discharge of his duties. He put himself under obligations to the hotelkeepers in various ways, borrowing money from them, and the like of that, and connived at the breaking of the law. That is a strong word, but it is not too strong, because we had proof of it, and I think there were means taken to bring his conduct under the notice of some members of the Mowat administration.

Q. Is it a fact, that this misconduct, if we may term it so, is the reason that you would have the system changed? A. Yes, partly. I know the case of another inspector, South Simcoe, Mr. Dinwoody, and he was dismissed, I suppose, in consequence of misconduct in the discharge of his duties.

Q. Was that at the time these gentlemen were appointed by the Government or the Council? A. By the Government.

Q. I take it for granted that you belong to some of the temperance organizations? A. No; I do not belong to any of them formally, but I am a sympathizer with the prohibition cause entirely.

Q. Now, sir, did this misconduct of these gentlemen compel, or did it instigate these temperance organizations to ask the Government to make any change in the manner of appointment? Did they take any steps to complain, because they are pretty observant of the conduct of officials? A. We complained as individual members of the Ministerial Association. We complained in regard to the conduct of the license inspector for years, and tried to galvanize him, or rather to induce him to be faithful, but it was utterly useless.

Q. Touching the other appointments, have you any suggestions to make to us? Would you keep them in the hands of the Executive, or dispose of them otherwise, or have them nominated? A. Which do you refer to?

Q. Speaking of the county attorney, registrar, and sheriff particularly? A. Well, I would be disposed after all, to allow them to remain as they are. In regard to the appointment of the license commissioners, I think it would be an improvement to relegate or to entrust the appointment of these to a board consisting of the sheriff, the warden of the county, and the county judge, instead of to the Government. I think that the appointment of these officials puts too much power in the hands of the Government.

Q. These license inspectors? A. Yes; and the commissioners too. That is, as regards the license commissioners; I think it would be a great improvement to keep those appointments out of the hands of the Government, no matter what the Government was, whether it was Reform or Tory.

Q. Into whose hands would you put the power of the appointment of these commissioners? A. In the hands of the warden of the county, the county judge, and of the sheriff. There might be some other individuals that might be safely entrusted with the responsibility of appointing those. I think it would conduce very much to public confidence and would relieve the Government from the imputation that is very generally held against them, that they are not very rigorous or energetic, or earnest in enforcing the liquor laws.

Q. You would have their offices inspected by whom? A. I would say the Government inspector, by all means. It would never do to have the head inspector appointed by these authorities I refer to. A good, faithful Government inspector should be appointed. Such an appointment would be an essential measure or provision.

Q. You have had a good, faithful head inspector, or is it of the inspector's conduct you complain? A. I do not know anything about the head or general inspector. Of course I would infer the head inspector must have fulfilled his duties faithfully, because he was the means of dismissing these local masters.

Q. And therefore you would keep that appointment in the hands of the Government? A. Certainly I would.

Q. Touching the other offices, have you given them any consideration as to the manner of their appointment? A. Mention them.

Q. I mean the county attorney, and sheriff, and registrar of deeds? A. Oh, I would keep them in the hands of the Government.

Q. You would not throw them open to popular vote? A. No; I would not.

Mr. Mason: Q. And you think that a change in the mode of appointing the license inspector would result differently or better than it is? A. Well, I have had a strong impression that the Government did not like to offend existing interests, that is the liquor interest, and that they have an object in getting the support of those officials, which the county judge would not have, nor the warden, nor the sheriff. These would be more disinterested and independent, and would act more impartially, and more independently.

Q. But why would the license inspector act more impartially? Why do you expect that he would be more faithful than one appointed by the Government? How are you going to get any particular improvement there? A. Well, I think there would be a decided improvement for several reasons; at least the appointing authorities would be nearer at hand.

Q. You still approve, apparently, of there being a chief inspector, a Government inspector? A. Oh, yes; I approve of the chief inspector being a Government inspector, but as regards the local inspector, his appointment I would place in the same hands as in the case of the license commissioners.

Q. Don't you think there would be a probability of difficulty arising between inspection by one power, and appointment by another, where the local commissioners appoint? A. No; I would think there would be safety and security there, because there would be less chance of collusion or of leaguing together. They would act more independently. I mean to say, having a local inspector appointed by the authorities I indicated, and then have the chief inspector appointed from another source, I think there would be much less likelihood of connivance or collusion between the two inspectors.

Q. But supposing the chief inspector reported unfavorably, how are you going to get the local inspector dismissed if the local authorities do not want to do it? A. Then you must rely upon the integrity of these authorities; they are generally men of high standing, men of integrity and worth, and a case proved, I have no doubt, would be as honestly and as independently treated by these authorities as by the Government, I think perhaps more so.

Mr. Robinson: Q. They would do justice all round, you think? A. Yes; I would depend upon a just verdict from these authorities more than I would depend upon any political party.

Q. Then what would be the use of the Government inspection? A. A very great use.

Q. But you say that the appointment is a political one? A. Well, we must put up with that upon the whole. The Government is the established thing, that is the order.

Q. Don't you look upon the license law as a provincial law rather than a local one? A. Yes; certainly.

Q. And if so, should not you think, assuming a proper man appointed, it is better that the same power that has charge of the laws, should see that they are carried into effect, and that is the Government? A. The chief inspector would provide for that.

Q. In other words, would there not be this danger, assuming the three that you speak of, it would be the business of all of them, and perhaps nobody's business to watch the doings of this local inspector? What would the warden and judge, and sheriff, after the appointment, what further interest would they be likely to take in it? A. Well, I would think they would be likely to take more interest than the Government, the seat of which was in Toronto.

Q. But the Government are all the time responsible to the people for what they do, but these three you mention are not responsible to anybody? A. The Government would be still responsible, having the chief inspectorship in their hands. They would be still the ultimate, or supreme authority. The complaints would have to reach the head authority, that is the Government.

Q. But they would have to reach, in the first place, the persons who appointed the local inspector? A. Yes; but they could be appealed from to the Government.

Q. Then they might say they didn't consider it sufficiently important to investigate. What I want to try and arrive at is whether you would not think there might possibly arise a difficulty where the inspecting power and the appointing power are not the same? A. Well, I would see advantages instead of disadvantages, because they would act more independently.

Q. That is where, I think, perhaps, the trouble would be, they would be acting too independently of one another, and paying no attention to one another, because the inspector would not have power to dismiss; the chief inspector would not have power to dismiss the local inspector? A. No: but he would report. That is the only thing he does now.

Q. He has power now to suspend. A. Has he? Subject of course to higher decision. Could not he still retain that power?

Q. Do you base your idea of a change chiefly upon the fact that in this particular county a particular man has not done his duty? A. Well, there is no doubt of that. History proves that.

Q. Not from what you know of the general result throughout the province? A. No. In this county though, the local inspector, so far as I have been acquainted with him, and as I was saying, the Ministerial Association have repeatedly made complaints, and tried to get the evil remedied, and failed, and ultimately the inspector was dismissed on the ground of unfaithfulness, and that he had put himself under obligation. That was the specific charge, I believe, that he had put himself under obligations to the hotel-keepers by borrowing money.

Q. The present one you have not heard complaints about? A. I have heard nothing against him.

Q. How long has he been in office? A. He must have been a year at least, or a little more. I have heard nothing against him. At the same time, I am not very cognizant of the way he performs his duty in detail, whether he is very energetic or earnest; I have heard nothing against him.

Q. You would have no better means of knowing if he were appointed by the other three gentlemen you named, would you, than you do now? A. No; I do not suppose I would.

Q. You would not see any necessity for a change, then, if the man was a good man? A. No, if you are assured that the man performs his duties faithfully, honestly, efficiently, and earnestly, I do not see that there would be any reason for a change.

Q. No reason for a change just for the sake of a change? A. No; and it depends entirely upon the character of the official.

Mr. ROBINSON: Does anything else suggest itself to you? A. No.

Q. Nothing of any further consequence strikes you in reference to Mr. Grant's answers? A No. I do not fully recollect the details of his views, but the whole of his views, I was disposed. after reading them, to concur in.

JOHN A. HACKING, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: You have had considerable experience in municipal matters? A. Yes; about twenty years altogether, as reeve, and I am now warden.

Q. You have seen a list of the officers; as to the appointment of sheriff, are you in favor of having the appointment made as at present, or would you favor it being put in the hands of the county council, or submitted to a popular vote of the people? A. I am in favor of the present state of affairs. My experience of appointments by county councils has not been altogether favorable; the best men are not always appointed. I think better men are secured when the appointments are made by the Government.

Q. And as to the registrar and most of the other officers, do you say the same thing? A. Yes.

Q. Then what do you think about the manner of paying them by fees? A. I am in favor of the system of paying by fees. If the fees amount to an excessive sum a rate of remuneration should be fixed and the surplus returned to the municipalities.

Q. How is it in your own county, are the county officers paid a reasonable salary? A. I do not think our sheriff is excessively paid.

Q. And the registrar? A. This county has been divided, and I understand the registrar in North Perth is getting $1,700, which would not be an excessive salary.

Q. Would you prefer to leave things as they are instead of paying a fixed salary? A. Yes; especially in the case of the sheriff. Where the fees are payable to the sheriff he is more liable to look after the business than if he were paid a fixed salary.

Q. Do you think the present system of inspection of these public offices by the Government is satisfactory? A. I am not very familiar with the system of inspection. I imagine there should be a system of inspection by the Government.

Q. Have any of these questions touching the appointment and payment of the sheriff or registrar come up for consideration by your council? A. I think the matter came up in January, and it was decided by the council that no action could be taken, that things were satisfactory as they are.

Q. Has there been any complaint at all as far as the deputies are concerned? A. Not that I am aware of in this county.

Mr. MASON: Q. I understood you to say you favored the return of the surplus to the municipality; do you mean that to apply to all these offices? A. Well anything over and above what might be called excessive.

Q. But do you speak with respect to all the offices or only to some of them? A. All of them.

Q. You are aware that some of these officers are paid partly by the Provincial Government and partly by the municipality? A. Yes.

Q. In the case of those officers do you think the surplus should go wholly to the municipality? A. In cases where parties are paid by the Government I think a certain proportion should go to the Government.

Q. But where they are paid by the municipality and not by the Government, you think the surplus should all be returned to the municipality? A. Yes, as in the case of a registrar, for instance.

Q. With regard to the system of inspection, which do you think would be preferable, inspection by a Government officer, or by a local or municipal officer? A. I think the Government officer.

Q. Which system would tend best to make the procedure uniform? A. I think an efficient Government inspection would be preferable to local inspection.

Q. With regard to the question of salary, have you formed any idea of what would be a reasonable amount, say for a sheriff in a county like Perth? A. I really have not given it any consideration, but I would not consider $2,000 an excessive salary.

Q. And about the same for the registrar? A. Yes.

Q. Of course, having in view the responsibility that rests upon these officers, and the liabilities that they assume outside of the actual work; you are aware that a sheriff and registrar are either of them liable for the acts or mistakes of their deputies, and I suppose that in their remuneration that should be taken into account. A. Yes, certainly. I think an official of that kind should be fairly well paid.

Q. Having in view both the position and the responsibility, as well as the work? A. Yes.

Q. With regard to the appointment of deputies, do you think that they should be appointed by the chief officer or by the Government? A. By the chief officer; I think the deputy should be under the control of the officer. Where a deputy is not appointed in that way he is not apt to be as subordinate as he ought to be.

Q. And with regard to his remuneration? A. That should be a matter altogether of contract between him and the chief officer. He ought to be paid reasonably well.

Q. Complaints have been made in different parts of the province that deputies have been underpaid, and that being appointed and paid by the chief officer they have really very little to say in fixing their salaries; do you think that there should be power on the part of the inspector of public offices to look into and regulate their salaries in cases where there is a manifest injustice being done? A. Yes; I think in cases of that kind the inspector might, but I think the chief should be allowed to appoint his own deputy as a matter of business.

Q. Being responsible for his acts, he should have the chief voice in the selection of the official? A. Yes; and as to his payment, too. If a man does not want to work for the salary he gets he can easily resign.

Q. With regard to the officers in this county, you know them all, do you? A. Yes.

Q. Do these officers in your opinion discharge their duties satisfactorily? A. As far as I know, I have heard of no complaint.

Q. Do you think any good would be accomplished by changing them? A. I have heard nothing to warrant me in thinking that they are not performing their duties satisfactorily.

Q. Have you had any experience with regard to Division Courts here, the clerks and bailiffs? A. Not very much. I think possibly the suggestion thrown

out that Division Court clerks should be only paid half fees in case of non-collection might be an advantage; that is, that only half fees should be paid if there is no collection.

Q. On what ground? A. That they would probably make more effort to collect, they would be more energetic in discharging their duties.

Q. That would be in a case where they get fees whether they recover or not? A. Yes; I don't know whether it would be a good suggestion, but it has been suggested to me. I understand that bailiffs in some cases do not get the full fees unless they recover.

Q. Of course, the Division Court work has decreased very much in the last few years; in looking over the returns they do not appear to have any of them received excessive amounts? A. No; it might, you know, result in the end in their making more money than they do now. It would certainly increase the number of suits if the creditor felt that he would not have to pay full costs in case of non-collection.

Q. Have you heard of any complaints with regard to bailiffs as to their endeavoring to promote litigation instead of the reverse? A. No.

Q. It has been stated by one or two witnesses that they have known of cases where bailiffs have urged the debtor to enter a defence for the purpose of running up a bill of fees; you have heard no such complaint here? A. No; in fact it is the reverse as far as our part of the country is concerned, the bailiffs have been a little on the easy side.

Q. Instead of trying to make as much as possible out of them? A. Yes; of course, that matter would be purely local.

Q. But you don't know of it, here, but rather the reverse? A. Yes.

Q. I suppose you have had no experience of the working of the law on the other side of the line with respect to the election of officers? A. No; I should certainly be opposed to election by the people for any of the officers, certainly that of the registrar, sheriff, or Division Court clerk.

Q. Do you consider these officers to be more especially concerned in the administration of justice than in the ordinary sense of the term local officers like the county treasurer or county clerk; are they rather a part of a general provincial system? A. I do not think any officer in any way connected with the administration of justice should be elected by the people.

Q. You do not think it would tend to a proper administration of justice? A. No; I do not think so.

Q. If the holders of these offices were subject to election by the people? A. I don't think it would be in the interests of the public. The natural tendency would be for the sheriff to favor his clients in the expectation of re-election.

Q. That might also effect the county crown attorney? A. Yes; of course, in the case of the registrar it would not make so much difference.

Mr. Robinson: Q. Has there been any agitation at all tending to that object? A. Not by the people in this county.

Mr. Brooks: Q. If the people are capable of selecting candidates for the higher offices, such as members of Parliament, why should not they select the lower officers. A. As I said before, in the case of a sheriff I do not think he could be as impartial in the discharge of his duties if he were elected.

Mr. Mason: Q. If he were dependent on the will of the people? A. Of course, a member of Parliament is supposed to follow the instructions of the people, he is supported by a party, and he has to carry out the policy of that party; if he does not do it they generally drop him.

Mr. Brooks: Q. You imagine that a sheriff who had reason to believe that a man who had voted against him might be more severe on that man in the discharge of his duties? A. Or he might be too easy in order to prevail upon him to vote with him the next time.

Mr. Mason: Q. You would consider there is a difference between electing a member of Parliament who has to go back for re-election, but has not fixed duties, as compared with an officer. In any case even if he were appointed by the council or the people you think he should hold office only during good behavior? A. I think it would be better in any case.

Q. In that respect he would be different from a member of Parliament? A. Yes.

Q. Is there anything else not mentioned in these questions that has come under your notice? A. No; I think they go very fully into it.

JAMES COCHRANE of Kilsyth, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Mr Robinson: You are ex-warden? A. Yes.

Q. How long since you have been warden? A. I was warden in '92.

Q. Previous to that I suppose you served a number of years in council? A. I was five years in the county council.

Q. You have seen the questions that have been submitted? A. Yes, sir.

Q. What is your opinion of the present mode of appointment of the officers down on the list? A. I think all except perhaps the registrar of deeds should be appointed by the Government.

Q. The registrar you put on a different footing? A. Well, his business is entirely with the people, so that he may or may not be different from the others. The others have considerable to do, all of them with the courts of justice and with the course of justice and in that way, to a certain extent, with the Government and with the courts, and therefore I think they should be appointed by the Government, and be under Government supervision.

Q. Touching the registrar, however, you think that his appointment should be voted upon by the people or by the council? A. If not by the Government, then by the people.

Q. Would the people in your opinion be as capable of judging of the requirements necessary for the office as the Government would? A. Not more so than the Government, but as he is an officer of the people, so to speak, more than the others, by matter of right, he may or may not be appointed by the people.

Mr. Hobson: Do you feel strongly on that matter? A. No.

Q. Do you think there would be much difficulty in having the candidate brought out in such a way that the people throughout the whole county would have an opportunity of intelligently judging as to his fitness and qualification, because we may take it for granted there would be two or more candidates? A. In this county we have two registrars, so that we have two registry divisions.

Q. That would hold good to a smaller degree with smaller divisions? A. Yes: but I think there would be no difficulty in that way.

Q. I suppose you would have to follow the same line as in ordinary political elections, to bring him before the people? A. Just the same.

Q. Then there is the matter of expense to be considered. Who do you think should bear the expense, the county or the Government, of the election? A. Oh certainly by the county. The expenses should come out of the office.

Q. You would make the winning men pay the expense? A. Not the winning man, but the office the winning man occupies.

Mr. ROBINSON: If he is elected by the people under whose control would he be? A. All officials should be under Government supervision.

Q. Well but the Government could not be held responsible for the duties of a man who was appointed by the people? A. Not held responsible, but still in the interests of the whole people to see there was uniformity in the manner of doing business. A local man would not be able to see there was uniformity all over the province.

Q. You would have them appointed by the people, and his office supervised by the Government? A. Yes.

Q. Now, when you say registrars ought to be appointed by the people, the people have very little to do with registry offices. It is only those who want deeds registered and abstracts made; two-thirds of the county people never go inside of a registry office? A. Certainly not, but the people build and maintain the office.

Q. I see what recommends it in your view? A. I told you I did not feel strongly on the matter. I do not think there is any grievance particularly in that direction. I will tell you perhaps later the only grievance I feel in the matter

Q. You want it as a matter of patronage? A. I think it should go around; I do not think the appointment should be for life. That is my reason for saying anything. I think that none of these positions should be life positions, they should be for a term of years; I think the cause of all the dissatisfaction at the present time, is that it does not go around.

Mr. HOBSON: Q. There is another question comes in in the matter of election. We have a number of counties where there are large cities, but the city and county are joined together for registry purposes. Take the city of Hamilton, the population of Hamilton is twice that of the county, and then the cities of Brantford, St. Catharines, and Guelph; I am bringing this forward for you to consider, whether there would be much difficulty, and whether it is an expensive matter, to hold an election? A. I say I have no strong feeling in the matter, I do not think there is any injury inflicted on the people under the present mode.

Q. And yet on the other hand you do not think there is any insurmountable obstacle in the people electing them, any more than a member of Parliament? A. No.

Mr. BROOKS: Q. Do you think there is a strong desire on the part of the people in reference to this? A. Yes; stronger feeling in reference to that office than any of the others.

Mr. ROBINSON: Q. Would the people want his deputy elected as well, do you think? A. No; the people hold there should be no deputy unless it is to copy; that no office should be a sinecure, that is, that the man who had the position did not require to attend to his office, whose remuneration was sufficient to employ a deputy and let him go round with his hands in his pockets and attend to his business elsewhere.

Mr. HOBSON: Q. Might not trouble arise in this way, a registrar is not infrequently called upon to produce documents, he is not allowed to mail them, he must take them in his own personal charge, and it would seem to be necessary to have some one to attend to the office? A. He would have to have a deputy of course on whom he could call in an emergency.

Mr. BROOKS: Q. You believe in the practice of the man going to the office and working himself? A. Yes; so far as is his power.

Mr. ROBINSON: Any complaint in that way as to the license inspectors, and the appointments made? Yes, there is.

Q. Would you advocate a change? A. I would not advocate the election of the license inspector, the appointment should be with the Government, but that they should not be continued in office more than five years.

Mr. BROOKS: What is the object in changing, if the duties are faithfully performed? To pass it around? A. No; in the interests of temperance. An inspector becomes very well acquainted with the people he is inspecting and it gets to be that he winks, perhaps he is paid for it, perhaps not. It is supposed by some they get a little something to keep their mouths closed; they are apt to wink at things that a fresh man would not wink at. For instance, the hotel at a little village where I live has changed hands twice or three times during last summer, and one of the parties told me that he had paid our inspector for inspecting his hotel, but he had not been there. He is a truthful man, I believed he was telling me what was true. I think that it would not occur with a man who had not been in the business a good while. I think if the man got paid for inspecting a place that he should have gone and inspected it.

Mr. ROBINSON: Has any remonstrance been made by any temperance society as to the way in which the offices are held? And have they suggested any change? A. Not that I know of, although I have heard complaints from a great many temperance people, if the people could have changed our inspector without going to a good deal of trouble they would have done so.

Q. Generally speaking, temperance organizations are not backward in making their opinions known? A. No.

Q. They watch these inspectors of licenses particularly, or are supposed to? A. Well, they have not very closely with us.

Mr. HOBSON: What would you consider a fair remuneration for say a registrar or sheriff? A. That is net, after all expenses?

Q. Net for himself? A. I think a registrar, taking into consideration all the education that is required for the position, and that the responsibility is not of a nature that is very hazardous, about from $1,000 to $1,200 a year; a sheriff

is an entirely different officer; a sheriff has a great deal of responsibility; and he may make a mistake in a seizure, it is quite possible, in good faith he may make a mistake in a seizure, or his bailiff, for whom he is responsible, and it might cost him perhaps a thousand dollars in a law-suit, or perhaps more, and I think a sheriff's salary should be in the neighborhood of $2,000, taking into consideration his responsibility.

Mr. ROBINSON: You speak of sheriffs in counties? A. Yes.

Mr. HOBSON: Would you approve of paying by a direct salary, or paying by a system of fees? A. I approve of fees. I approve of the officials being paid by fees, but all the fees received over a specified amount should go into the hands, one moiety into the hands of the Government to pay for the cost of inspection of the several offices, and the other into the hands of the county council, or the county treasurer, to pay for the maintenance of the office, the heating, lighting, and so on.

Q. Would you not make any allowance above that stated sum when a large increase of business was done at the office, because the responsibility would increase in the ordinary ratio of business? A. Where a deputy would be required there should necessarily be an amount to pay for a deputy.

Q. And in proportion to the business the risk would increase in the same ratio? A. Yes; where there was a risk.

Q. So that you would be in favor of some percentage for increase of business? A. I think it should be specified very clearly that if the business exceeded say a thousand dollars, that up to the thousand dollars, say it was a registrar, then up to the admission, or the carrying through his books of 1,000 registrations, his salary should be $1,000, and if it exceeded that, so that he would require to have a deputy, that the salary would be in proportion, so that if he could do it all himself, he might do so, or if not, that the proportionate amount should go to a deputy.

Q. Are you in favor of the head officer engaging his own assistant? A. Yes; in all cases.

Q. That is, he would have full control of the assistant? A. The man who is responsible should certainly employ the parties for whom he is responsible.

Q. You have had a good deal of experience as a municipal county councillor; what do you think of our present system of audit; I mean appointing the auditors as we now appoint them? Do you think that is all right, or would you advise that a chartered accountant be employed; that is, if it became a general thing all over the country that the auditing should be done by chartered accountants? A. In reference to that matter, I think that there should be certain men in every county who should undergo an examination by a Government officer as to their competency as auditors.

Q. The chartered accountants have to undergo an examination? A. Still, I do not think that a chartered accountant is an entirely proper person as an auditor of municipal accounts.

Q. There ought to be one who understands municipal work? A. Yes; and municipal law as well, because the figuring is only one part of the duties of an auditor. That is why I put it the other way, that there should be parties examined specially for the purpose, having a knowledge of municipal law, and of

figures as well, so that they would be competent persons, and from a list of these persons each municipality might select for themselves, but it should be a competent person, who has passed the inspection, and was known. It is in the same line as chartered accountants, but I would not include the list of chartered accountants, for the reason I have given you.

Mr. Robinson: Does anything else suggest itself to you, Mr. Cochrane? A. Well, I would say that I think all officials should be appointed for a term of years, all Government officials; that it should not be for life, that it should be for a term of years.

Q. You have reference to those officers there, or do you include judges? A. No; I do not include judges.

Q. You would have the sheriff appointed every four or five years? A. Well, the sheriff is an officer that I might exempt from that, or at least make a longer term of years than the others; I think I would make them for a term of years, but while I would make the sheriff's office for a term of ten years, I would make the others for a term of five years. One of the reasons why I hold that is, that we find our Governments giving superannuations. The Dominion Government give large amounts for superannuation, and our Provincial Governments give gratuities, not to the same extent, but the appointment of the officers for a term of years, instead of being practically for life, would do away entirely with either superannuation or gratuities. Then if a Government position was a good thing, it would go around, and more of the people would get a share of it. If it was not a good thing, if there was a loss connected with it, it would not be so onerous upon any particular individual.

Mr. Robinson: Would not the man who was there for four or five years, try, as in the States, to make as much out of the office, perhaps indirectly, as he could? A. I think under proper Government supervision, he could not; that is one of the reasons why I hold that all offices should be under Government supervision. Under proper Government supervision it would not be possible.

Q. But you see how independent that man, elected by the people, would be of any Government supervision? A. They should be liable to dismissal for incompetence or wrong-doing the same as others.

Mr. Hobson: Might not trouble arise in this way, a registrar makes a mistake, they do make mistakes sometimes, he is out of office, there might be a great difficulty in reaching him. The responsibility practically might end then. You know it is no uncommon thing to find a flaw in documents which effects very materially the title to property? A. Yes; but it is a very uncommon thing to know of a registrar ever having to pay for the loss.

Q. I have known them in two counties where they have simply taken the property? A. The reply to that is, registrars, like all other men, may die, after they have been appointed; they may die in two or three years, the same hazard is only increased, perhaps to a small extent.

Q. You think that would not be an objection? A. I think not.

Q. I suppose when you speak of appointments made by Governments, you speak all down the list? A. Yes.

Q. And the same with regard to remuneration, that holds good with regard to all? A. Yes; perhaps there is one suggestion I might make, where my experience has shown me that there has been an injury inflicted upon the public.

The county councils at the present time have the appointment of judicial auditors. Perhaps a person should not speak of a position he holds himself. I hold that position at the present time, and have held it for the past year, and before that we had a committee to investigate the accounts of the sheriff, and the clerk of the peace, in our county. I was a member of the committee of investigation.

Q. Was that owing to some abuse brought to your attention? A. Yes; and we found that charges had been made for which there was no law or precedent. We found that both the sheriff and the clerk of the peace had gone on this basis: they put accounts in for a service rendered this year, or this quarter; they could not point to any statute or tariff for the charge, but if it passed the board, they repeated the charge, and kept on repeating it; then, having found that that has been passed, they take up another item of a similar nature and shove it along and it goes through. Now, our investigation disclosed this, that the clerk of the peace and the sheriff had charged accounts to the county, and had been paid by the county, which the province should have paid, and would have paid, had the province been asked to pay them. Then we find that they had made charges which there was neither statute nor tariff granting an allowance for, and that were not legal. They were illegal charges. I will give one example. In the filing of the voters' lists, for instance, by the clerk of the peace, the law saysthat for every list of voters, the clerk shall be entitled to a sum, I think of 25 cents. Well, the clerk of the peace in the county of Grey, instead of filing every voters' list, which is a voters' list for each municipality, as we think the law intended, he charged 25 cents for every polling sub-division, so that a municipality with ten sub-divisions, were charged $2.50 for filing the voters' list; where there were more than that, he got 25 cents for each; that would not have been the case if there had been a competent overseer, if there had been some man who would review. I am saying the Government should have some officer to review the work of the boad of audit, to see that no unlawful accounts were passed against the county, nor accounts that should be paid by the province charged to the county.

Mr. Robinson: Is it not so at the present time if the committee had appealed to the inspector, he would have looked into the matter? A. No.

Q. Did you ever try that? A. Yes. The board of audit work cannot be reviewed; even the superior courts have refused to review the work of a board of audit.

Q. Reckoning it to be a matter entirely between the council and their own audit? A. Yes.

Mr. Hobson: But you may get opinions from headquarters? A. I wrote to the Attorney-General, and he referred me to Mr. Totten, and we had very valuable communications from Mr. Totten, setting forth quite a number of important matters.

Q. He answered your questions? A. Yes; but he told us distinctly that none of the courts would go beyond the board of audit. I think the Government should appoint an officer whose duty it would be to review and draw any errors to the attention of the board of audit, from one sitting to another. For instance, the present inspector of legal offices could do that when on his visit.

Mr. Robinson: I think that is asking too much of the Government, that is a matter of detail. A. It is in the interests of the public. I do not think anything should be too much in the interests of the public.

Q. Are not judges competent men? A. The judge, by reason of his knowledge of the law, is a competent man; the others are not competent men generally, and the judges as a rule, will not take the time to investigate accounts of that kind. We have now a senior and a junior judge, both are conscientious, painstaking men, but it has not always been so.

Mr. ROBINSON: Is not the public and county council sufficiently interested to take care of their own affairs? Why should they appoint a man unfit to be auditor? A. That is why I hold that the appointment of officers should be in the hands of the Government, because the people are not acquainted with all these things, they do not come before their notice at all.

Mr. HOBSON: A man who is qualified to be a warden is also qualified to be an auditor of criminal justice accounts. I have heard what you say about that. I cannot see the difficulty you see in it. You know that there is a book of tariffs which you either have or ought to have in your hand when you are auditing? A. Totten's recent book was only issued last year.

Q. But you always have a book of tariffs in your audit? A. The tariff has been reviewed by the judges.

Q. But there is a book of tariffs which you have at your hand all the time? A. We have no book of tariffs as yet as good as the statutes. While Totten's book is a good thing, our judges prefer the statutes.

Q. The book of tariffs lays it down? A. Not everything. We have accounts sometimes outside of the tariffs that the officer is fully entitled to be paid to him.

Mr. ROBINSON: Some items? A. Yes.

WITNESS: I have studied the matter a good deal. I have made it my business for three or four years to study it up, and still there are some acts and some charges brought in through the Dominion, and through some special acts that occasionally crop up. Of course we want to pay every officer all he is entitld to.

Mr. HOBSON: My experience leads me to think that a first-class auditor is quite as valuable a man to audit the work, as a county judge, and I would go further and say more so because he goes more closely into it? A. Yes; but to go so far as saying a man who is a warden is a capable auditor, I would not go so far as that. We have had wardens who knew nothing at all about the auditing of accounts. I was warden, and I would not have known, had it not been I was placed upon this committee of enquiry, and that brought the matter more particularly before my attention.

Mr. ROBINSON: What was done to your sheriff and clerk of the peace? A. Nothing could be done, but the result is an annual saving to the county of perhaps $1,000 a year.

Q. In other words they were trying to make a business for themselves they were not entitled to? A Exactly. I think the sheriff did not do it with any dishonest intent. He took the system I have explained; the other officer however, I cannot say so much for, because he has put disallowed charges into new accounts and has not even credited what was allowed on them. That has been done on several occasions. I do not think that is honest.

Q. However, that is settled now, as to the items, is it not? A. No; we have one case still to come before us from the last list.

Q. Does your board of audit change often? A. In our county we have a junior judge and a senior judge, and they take different views of the tariff, on some items they take year about on the board. I am the only member of the board of audit for instance who was on last year. So that the complexion of the board is entirely changed. These changes are not good for a county, if they get good men.

Q. Has there been much discussion suggesting the propriety of a change of these officials in your council? A. Yes; there is, every year.

Q. Any resolution moved? A. Oh yes; when I first came into the council the strife did not appear to be about a man competent to do the business; that did not appear to be what was thought of; nearly every reeve or deputy wanted one of his friends to get the position. They have no correct idea of the qualification necessary, and the name auditor is misleading. The board should be called a board of inspecting and allowing judicial accounts; the auditing is the least important part of the duties of the board.

Mr. HOBSON: Bringing it back to the appointment of registrar; there is a registrar and a county clerk; if appointed at the same time, would it not work that way with the registrar? A. I was leaving that to the people. If they want to run it on politics let them run it.

Mr. HOBSON: Do you think it is desirable there should be a thorough Government audit of the registrar's accounts? There is a difference between inspecting registrars and auditing accounts? A. Yes; I think the accounts of all officers who have to pay a portion of their fees into the Government, or county, should be audited.

Q. A real audit? A. A genuine audit.

Q. Not just dealing with the totals? A. No; I am opposed to all gratuities and superannuations to officials. Speaking about arbitrators and witnesses, the law should make no discrimination; the fees should be the same for one as to the other; I would do away with professional witness fees. Professional men do not pay more taxes than others, and all contribute to their education: every man may claim to be a specialist in his own calling and every man should be equal in the eyes of the law.

J. C. MONTEITH, Mayor of Stratford, by request of the Commissioners, appeared before the Board, and being interrogated, stated as follows:

Mr. ROBINSON: Q. You are mayor of Stratford? A. Yes; and assistant county treasurer.

Q. You have heard the different questions with regard to the appointment of these officers; what is your opinion as to the system at present in force in the province regarding their appointment? A. I think as far as this city is concerned and the officers in this county they give very good satisfaction in the discharge of their duties. As to the registrar of deeds, I do not know but what the county council might reasonably be allowed to appoint that officer. I arrive at that conclusion on account of the fees being contributed very largely by the people of the community. In regard to local masters, sheriffs, and in fact, all connected with the administration of justice, particularly the sheriffs, I think certainly their appointment should be in the hands of the Provincial Government.

Q. Speaking of the registrars, you spoke of those being contributed by people living in the county? A. Yes; they are contributed very largely by the people living in the county.

Q. But of course there is considerable business from the outside? A. Well, it is in connection with land that is in the county.

Q. Loan offices at a distance contribute some? A. Yes; but they don't often pay the fees; they generally charge them to the borrower; I think he generally pays the shot.

Q. Then touching the manner of their payment, would you keep that as it is now, the payment to be by fees for registrars and sheriffs? A. Yes; premising the necessity in connection with the registration of documents that fees should continue. I would favor a system whereby a salary would be fixed for the officers; specified sum might not give general satisfaction, but the revenue beyond a fixed sum, less a fair percentage for extra work, should go to the municipality.

Mr. MASON: Q. Does that refer to both officers? A. Yes.

Q. And how would you have the office inspected? A. I presume it is desirable that there should be a general system of inspection prevailing throughout the province.

Q. If the appointment was in one set of hands and the inspection in another, how do you think it would work, would the Government be likely to inspect the offices? A. Well, they would be entitled to retain a percentage of receipts for paying the inspector and after he reports to the council his duty would be done.

Q. And if there was any default on the part of any officer would you have that dealt with by the county council? A. Yes.

Q. Have you seen any injustice done by bailiffs of the Division Court or by the clerk? A. I think in the Division Court we have a very efficient clerk and bailiff and no injustice is done.

Q. And you are opposed to any of these appointments being made by popular vote? A. Most decidedly.

Q. Are you aware of any injustice being done to deputy registrars? A. As has already been stated, the work here is done by members of the registrar's own family.

Q. What do you think of reuniting the registry offices, as has been recommended? A. I think the people of the south riding would be as well served, that is, as to convenience, with but one office in the county.

Q. Touching the incomes of these gentlemen derived from their respective offices, is it about fair now? A. There is quite a difference between the two. One amounts to about $3,000 and the other about $1,000. I was about to mention that in the north riding there was a time when there was a large return of the fees, eight or nine hundred dollars, while for the last year I don't think the surplus would be more than about $30. The registrars were allowed to retain up to $2,500 before any percentage was returned. I see by the new bill that sum is reduced to $2,000. I consider this a move in the right direction, but it does not go far enough.

Mr. MASON: Q. Have you any remembrance of what the reason was for the division of the registry offices? A. No; I have not. That was done in Sandfield Macdonald's time.

Q. I was going to ask whether the locality came into it at all, whether there was any feeling on the part of St. Mary's? A. I daresay there was some agitation.

Mr. ROBINSON: Q. Has this question of fees been brought up in your council? A. No; not in my time.

Q. But during this last year? A. No; it has not been referred to, unless there have been some petitions sent out by associations to municipal councils to be signed and forwarded to the Government.

Q. But no action has been taken by your county? A. No.

WILLIAM BUCKINGHAM, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Mr. ROBINSON: Q. You are manager of a mortgage company? A. Yes; the British Mortgage Loan Company.

Q. Have you had any municipal experience? A. I was once elected reeve of this town; that was many years ago; and I served in the council two years; that is about the only experience I have had practically in municipal affairs.

Q. As to the appointment of the officers named in this list, have you any objection to the present system? A. I would say that as an admirer of the British Constitutional system, I have great faith in the appointment of all these officers by the Government; I think such power of appointment is one of the chief and best features of our system, and that it contrasts favorably with the system followed in the United States.

Q. You speak of responsible government? A. Yes; in my opinion that is one of the best features of our governmental system.

Q. Therefore you do not see any necessity for changing? A. My conviction is that any change made would be decidedly for the worse. I may say that I listened to Mr. Brown's statement here, and I differ from him *in toto*. I believe that if appointments that have emoluments attached to them were made by the people the very worst evils of popular election would be introduced into our already overburdened system of popular election. I think there would be partisan candidates brought out for offices to which emoluments are attached, and it would be a matter to a great extent of partisan agreement.

Q. You think it would lead to what is known as log-rolling? A. Yes; and the whole matter would be directed by so-called heelers. They would be the candidates for these offices, and their partisans would turn in in order to elect them to these positions.

Q. Is that opinion founded upon theory, or from your own experience of public affairs? A. I have never resided in the United States, but when visiting in that country, I have heard men of position speak in this way of the practice that prevails there. A year ago I was summoned as a witness to give expert testimony in a Detroit court, and I met men there of good positions who told me that that was a very serious difficulty with regard to their elections, and that the best men did not care to stand for election.

Q. That is referring to the election of judges and other officers? A. Most of the officers are given as prizes for political services.

Mr. BROOKS: Q. Do you think there is anything of that kind connected with the appointments as they are made here now? A. There is, sir; human nature is frail; and that I think is incidental to all systems. But under our system the Government is responsible for its acts, and in this way the evil is reduced to a minimum.

Mr. ROBINSON: Q. You think the system which prevails here is better than that in the States? A. I have not the slightest doubt about it.

Q. Well, then, that being so, the question as far as your opinion of appointment is concerned is disposed of. What do you think of the present system of paying by fees: A. I think that the present system of fees, of payment by results, so that the greater the amount of work, the greater relatively the amount of pay, is the correct system. But I think it is a good plan to restrict the amount, as I see it is now proposed to do by legislation.

Q. You are in favor of these gentlemen getting a fair salary, and if the fees are too much, that the balance be handed over to the county council or the Government? A. I think in cases where the Government defrays part of the costs of the office, they should receive a fair proportion; and in the same way the municipalities where they are charged with the expenditure; I think the surplus should be returned *pro rata* to those who contribute it.

Mr. MASON: Q. As nearly as can be done to the individual? A. Yes.

Mr. ROBINSON: Q. Are you aware of any injustice arising out of the present mode of appointment or payment? A. No; I do not think officials are overpaid. I think, as I have heard remarked here to-day, that something is due to these officials for the responsibility they undertake.

Q. What do you think the sheriff should be paid? A. I am of opinion, that in a city like this, considering his duties, keeping a carriage and attending upon the judges, he could not very well do with less than $2,500.

Q. And the registrar? A. I sometimes think the responsibilities of the registrar are a little exaggerated. There are possibilities, of course, of errors in giving certificates, but I do not know that the danger is so very great after all. The registrar has no such dignity as the sheriff to maintain, and I think $2,000 would be sufficient.

Q. Touching the appointment of deputies, would you have them appointed by the Government, or leave their appointment in the hands of heads of departments? A. I think the officers ought to have the appointment of their own deputies, in all cases, subject to a system of supervision and inspection.

Q. Would you have the head fix the salary as well? A. I think so, but I am not so clear in my mind as to that. I think there should be power on the part of the Government to say, in certain cases, dependent upon the emolument of the chief, what the minimum salary of the deputy should be.

Q. Have you heard any complaint in regard to Division Court clerks or bailiffs? A. I have heard no complaints about any of these officers, except the general complaints directed against the system which I have read in the newspapers.

Mr. MASON: Q. Do you consider the fees paid for registration are reasonable? A. Yes; I think they are. Objection is made sometimes, not so much to the fees charged by Government officials, as by the legal fraternity. I think the registry charges are reasonable. As we see them in the solicitors' accounts, we find no cause to complain of them.

Mr. ROBINSON: Q. As far as you are concerned, you have no complaint to make in regard to your business with the registry office? A. No; the officials are very prompt and efficient, not only here but in St. Mary's as well.

Mr. MASON: Q. Do you think better men would occupy these positions if they were elected by popular vote? A. I don't think so. I think we have just as good a system as we could have.

Q. And you speak from the experience of years? A. Yes.

Q. How long have you been connected with this county? A. About thirty years.

Proceedings resumed at Owen Sound, Wednesday, May 30th, 1894.

JAMES McLAUGHLAN, Mayor of Owen Sound, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Mr. ROBINSON: You are aware of the object of our meeting? A. Yes.

Q. Have you had a chance of looking at the questions? A. I have, sir. I have gone over them very carefully.

Q. Then, as to the appointment of the different officers, say, registrars, and sheriffs, county attorneys, and so on first. Up to the present time, as you are aware, the sheriff has been appointed by the Government, and we would like to have your opinion as to the desirability of that appointment remaining as it is, or being placed in the hands of the county council, or being subject to the popular vote. What is your view? A. Well, sir, I do not think it would be a good thing to appoint such an officer by popular vote, neither do I think it would be any improvement to leave the appointment in the hands of the county council. I think a Government, or those in council, are better able to make a good straight selection to fill such an important office. I speak on behalf of the public service. The public service would be better supplied by an appointment by the Government, or by the powers that be at the time in the province.

Q. You do not think a change of appointment in that way would lead to the appointment of superior men at all? A. I think not.

Q. Would you apply the same remarks to the registrar? A. I would, sir; also, to the deputy-registrars. The whole of these officials here, local masters, sheriffs, registrars, registrars of Surrogate Courts, Division Court clerks, Division Court bailiffs, and so on, I think they are just as well in the hands of a more independent class of men to appoint than they would be if thrown back in the hands of the councils or municipalities. There is room for objection. With regard to registrars of deeds, with regard to the fees, I think the parties who use the registry offices ought to pay for their work, and those who do not use the office should not be taxed for their support. I do not see that there can be any improvement. I have been looking over the thing very carefully, and I find that our registrar here, for the nineteen years he has been in office, after close enquiry, has paid back, after he has paid his office help, and his own salary, as per fees, a sum amounting to very nearly $10,000.

Q. During that number of years? A. During nineteen years he has paid back to the amount of $10,000, which, if we had appointed servants to fill these offices, the ratio of business at one portion of the year being larger would likely require a good many the other half of the year; you would have to keep these appointments filled; you would have to have a large enough staff on hand to keep up to the work when busy, and then to have too small a staff would throw work behind at the busy season; you pay salaries to officers, either appointed by the Government, or municipality, or council, you know how difficult it is to turn them out when they are not wanted.

Mr. HOBSON: I suppose you would be in favor of the head of the office, the registrar or sheriff, as the case might be, appointing their own assistants? A. Yes, sir.

Q. To leave them entirely under their control in the matter of remuneration and time required? A. Yes, sir.

Mr. ROBINSON: Remarks have been made as to the small amounts paid to deputy registrars, complaints have been made at different times. Has any such thing arisen in this county at all? A. No, sir; I think our late deputy, Mr. Douglas, was receiving, to my own personal knowledge, pretty nearly as large a share of the emoluments of the office as the registrar himself was at one time, and since his decease, I think the one who is acting now in that capacity is perfectly satisfied with the position he occupies, and the remuneration he receives. I do not know as he could fill any other position where he could receive such a salary. We are probably a little more blessed with good men than some places. We have no complaint to make against our registrar. He is a first-class man and fills his position very well and ably. In fact all our county officers, so far as they have come under my observation, and I have had over twenty years' experience with them all, with the exception of the registrar, who has been changed in that period once. The old registrar died. All the others are the same officers, with the exception of the Division Court clerk and Division Court bailiffs.

Mr. HOBSON: You are in favor of the fee system? A. Yes, sir; just as I said to his Honor, I think those who use the registry offices ought to pay.

Mr. ROBINSON: Has the desirability of a change in any of these officials come up for discussion in your council? A. No, sir; not in our town council. They have been so long out of the hands of any of these, in fact none of them has ever been in the hands of the town council, if my memory serves me right. The judge used at one time to have the appointment of the Division Court bailiffs, and had a good deal to say I think in the appointment of Division Court clerks, but that has gone.

Q. Is there an agitation for the appointment of the license commissioner to go back to the people? A. There has been; it has been several times mooted, and discussed at our municipal elections and committee meetings. That has fallen through of late years. This last two or three years there has not been much said of it.

Q. Some persons have said, touching the overplus received by registrars; as you are aware, some of the registrars in different counties are underpaid, and some people would have that overplus set apart to make a fair remuneration for the registrars throughout the province? A. You would take from those who pay the larger amount, and give it to the smaller ones?

Q. Because they say that with regard to registrars the county is at very little expense, merely supplying them with room and fire, and therefore that they are not so much entitled to it as the poorer registrar in other parts of the country who is called upon to do the same character of duties and is badly paid; but you are in favor naturally of the overplus remaining in the county? A. You would scarcely get a man doing a large business in one county dividing his overplus with another man who is doing a small business. I think where the money is drawn in a particular locality, the overplus should go back, as it does now, and that the ones who accept registrar offices in the poor districts ought to abide by their own acceptance.

Q. As to that they say the registrars are not paid altogether by the county, they are paid by outsiders greatly; foreign investors come in, and they pay the registrars fees, and why should the county get all the profit after the registrar receives a certain amount? That is the argument of some? However, you approve of the present system, and you are entirely opposed to popular election of these officers? A. Yes; the only one that I could see that a change might be a benefit sometimes, and it might not at all times, is in the appointment of the license inspectors, which is not mentioned in this; but, as you mentioned it, some of the municipalities have been discussing that. Of course the warden is better able to speak of that. The town has contended that when they contribute so much to the license fund, they ought to have an opportunity of either appointing the commissioners or the inspector. Of three commissioners appointed, as in our riding, a town like this I think they ought to have the say in appointing one, and others say in addition to that they ought to have the appointment of their own inspector. It might be that in the long run we might not be any better served. That man would generally cater to the councilman who did the most for him in getting him in.

Mr. Brooks: What do you see in the way, and what would be your objection to have these officers elected by the people? A. Oh well, we know that most of our offices are not filled nor looked after by the ablest men. A man that is a free, off-handed good fellow gets up and pats a half a dozen people on the shoulder, he can get into office even if he has not the ability to fill that office. I think our sheriffs and our clerks of courts are more independent if they are out of the hands of the people.

Mr. Hobson: Q. Subject to better inspection? A. Yes; I think the laws are better administered. On the other side they pursue the course of electing them by the people, and I think it is a detriment to good administration.

Q. Have you been on the other side to see what is done there? A. I have on several occasions when there on a visit. I have visited one place and another; I do not like the way justice is administered as well as I do at home; I mean Canada.

Mr. Brooks: Q. Have you reason to believe, so far as you are acquainted with the appointment of these men to these offices, that they are appointed on account of their fitness, and not as a reward for party services? A. I think generally all governments ought to have some power in their hands of making appointments, and they will appoint certainly one of their own side; and out of that number of applicants they will likely appoint the best man that makes application for it. It is to be hoped they do so, at all events.

Mr. Hobson: Would you suppose, if the appointment was changed, if left in the hands of county councils, or by popular election, it would be entirely free from all party feelings? A. No; I think that would enter into it very strongly.

Q. What would you say about the cost of election in this county, for a registrar and sheriff? Would it not be very costly? Something in the shape of a parliamentary election? A. Yes.

Q. Would not that rather be against popular election? A. Yes.

Q. And cause a good deal of turmoil? A. Yes; and bad feeling. I think the fewer popular elections the better we are as neighbors.

Mr. Robinson: Q. Does anything also suggest itself to you about which you desire to speak? A. No; there is no improvement that I can suggest.

Mr. BROOKS: Do you approve of the system of providing superannuation funds for public officers? A. Yes; I do. I think after a man has served the province or the country until he is almost unfit for office, that he ought to be superannuated, and let a more able and more active young man take the place; and that could be done by holding back so much of his salary, or drawing a percentage from him for a number of years. It will be like a life insurance.

Q. Yes; but is that done? A. It is with the customs and inland revenue.

Mr. HOBSON: You would suggest that? A. I would think that would be a good thing with county servants.

Mr. ROBINSON: You think it would add to the respectability? A. Yes; and after a man gets up to be 65 or 70 years of age there is change going on. I may say I prefer my boys taking the management of things now, that I thought nobody could do but myself.

Mr. BROOKS: Many in the country now have the idea that some of these public officers have received perhaps a good salary or good fees during their term of office, and that when they leave it they ought to be done with it, no further provision for them? A. These county officers, or at least a large number of them, so far as my knowledge and acquaintance with them has been concerned, is that they have to keep up a standing in society beyond what probably a mechanic, getting the same amount of money, would have to do. For instance, if I was getting a thousand dollars, I could save more from that $1,000 a year, probably save half of it working at my trade, and holding as a good position amongst my fellow-men, though not in that sphere, that required a large expenditure or outlay; I would save probably $300 or $400 or $500 a year of that $1,000; but the registrar would just probably be from hand to mouth, and have nothing saved at the end of his time.

Q. So many calls upon him? A. Yes; people come and they are put on to the registrar to stay with him. Our registrar is a very open-hearted man, and he is a great receiver of outsiders. I suppose it costs him more than any other half-dozen men in the town for visitors coming here, elocutionists, lecturers, bee associations, or fruit associations.

Mr. ROBINSON: Which otherwise, in your opinion, he would not be subjected to? A. No; if he was not in that office I do not think he would take that stand.

GEORGE HYDE, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Mr. ROBINSON: Q. You have been in the council? A. Yes; for six years.

Q. And have you given any consideration to the question of the mode of appointing sheriffs, registrars and so on? A. Yes.

Q. What is your opinion as to the policy of the present system, whether good or bad? A. I would let them remain as they are, every one of them.

Q. Then if you would keep them that way, of course you think their duties are best discharged under the present system? A. Yes.

Q. That being the case as regards the manner of appointment, how would you have them paid? Would you have them paid as they are at present by the fee system? A. I would have them on the fee system, and in cases where they are getting too much the percentage might be increased, I think.

Q. The percentage going to the municipality? A. Yes.

Q. That is pretty much the system that is in vogue now? A. Yes.

Q. Can you speak yourself of any case of injustice done to those who hold the office of deputy? A. I have had no complaint.

Q. Has the question of the appointment of these different officers been the subject of discussion in the council? A. Not at the time I was in, but the general feeling of those with whom I have had conversation is that they should remain as they are.

Mr. MASON: Q. What is your opinion as to the remuneration of these officers, take the sheriff, for instance? A. I don't think it is too much when the responsibility of the office is considered and the duties he has to attend to.

Q. And do you think about the same amount would be fair for the registrar? A. I should think so.

Q. Having in view the responsibility of the work? A. Yes.

Q. You know of course that the registrar is liable for any mistake on the part of his assistants? A. Yes; security is required.

Q. With regard to the Division Court clerks and bailiffs, do you think the amounts they receive are too large? A. I really don't know what they do receive.

Q. The best way to judge is by the fact that when the Division Court clerks' fees reach a certain figure they have to provide their own books, and when they do not reach that figure the books are provided by the municipality. I think the returns show very few cases where the clerk has had to pay for the books, so it would seem from that that their remuneration is not very excessive? A. No.

Q. Have you heard any complaint with regard to the execution of their duties by the Division Court bailiffs? A. No; I have not.

Q. Have you come in contact with that? A. I have had no business with them.

Q. But do you know them? A. Yes; I know them all personally.

Q. You know something of their character and mode of life and the way they carry on their work? A. Yes.

Q. And you have heard no complaint? A. No.

Q. Have you heard any complaints with regard to the officers now appointed, the officials in the county? Do you consider so far as you know that they are satisfactorily performing their duties? A. Yes; it is my opinion that we have not enough officers appointed by the Government. I don't think the people are fit to appoint officers.

Q. Do you think the election of officers by the people would have a tendency to result in better officers being chosen? A. No; I am sure they would be much worse.

Q. Do you consider that all these officers, with the one exception, of the registrar of deeds, have more or less to do with the administration of justice? A. Yes.

Q. And partake rather of a provincial than a local character; you do not think they are local officers in the ordinary acceptation of the term? A. No.

Q. That is in the same sense as the county treasurer or the county clerk? A. No.

Mr. ROBINSON: Q. You think there are enough elections by the people as things are at present? A. Yes; quite so.

JOSEPH MOUNTAIN, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Mr. ROBINSON: Q. You are familiar with the duties of these officers? A. I don't know much about the officers who have to do with the administration of the law.

Q. You have looked over the printed lists; of which do you speak, for instance, the local masters and registrars of Surrogate Courts? A. Yes, and county attorneys, I have not had much experience in regard to those.

Q. You will speak more then with regard to registrars and sheriffs? A. Yes.

Q. Those are the ones you have considered? A. Yes.

Q. What do you think of the present mode of appointment? A. Well, I am not very decided. My arguments would be rather negative than affirmative. I think the appointments have been made a little too much on party lines. That is more by way of an objection than a suggestion for an improvement. I think perhaps if these officers were elected by the people it would have the effect of creating a greater interest in the offices on the part of the people.

Q. You think too much party spirit has been shown? A. Yes.

Q. Are you aware of any of these officers having exhibited any of that party spirit? A. They are all good, faithful men; they have always been faithful to the party that appointed them.

Q. But you don't object to that, do you? A. Well, you see, it gives them the position.

Q. But they have done their duty, nevertheless, to the public? A. As far as I am aware they have.

Q. Your experience is in the county only? A. I have no municipal position.

Q. Is there much, if any, feeling in the community, in which you live, with respect to the manner of making these appointments or a change in it? A. Well, not just in the immediate neighborhood where I live. My work takes me about a little, and I find people are considering these questions, that is, a certain class of people, and a great many of them would perhaps be the better of more light on the question. The feeling is more one of opposition to the present system, than of a desire for a better system, or rather they have no suggestions to make of a better system.

Q. Then you are opposed to election by the people, I understand? A. As far as I am personally concerned, I don't know that I wish definitely to state, because I never wish to state a thing without having given it due consideration, but I find a great many people are that way; they think that, perhaps, might do away with the tendency to which I referred before, of having these officers to a certain extent under the influence of party people.

Q. If the change were made, how would you inspect these offices? A. It has been a question with me, which would be the best way of inspection.

Q. You would not express any decided opinion about it now? A. No.

Q. Are you aware of any injustice having been done to the deputies of these different officers, sheriffs or registrars? A. Not that I am aware of. The only registrar of whom I have any particular knowledge has all the work done by members of his own family.

Q. Would you favor the re-uniting of the offices of the registrars that have been spoken of? A. Yes; I am rather in favor of that, because to a great part of the south riding Stratford is just as easy of access as St. Mary's, and I know a difficulty at a particular time that arose from there being two registrars.

Q. When these officers are being talked about, such as registrars or sheriffs, have you heard complaint made of the too high salaries they receive? A. No, I think not.

Q. You have heard what is said about the salary of one of the officers here; do you think that is a reasonable amount? A. Yes; I think so.

Q. Fifteen hundred dollars? A. Yes; the registrar at St. Mary's having all the work done in his own family, we take no exception to the deputy doing all the work.

Mr. MASON: Q. Are you president of the Patrons? A. Yes; of the county lodge in South Perth.

Q. You say that there is a general feeling, to what extent do you mean by the words general feeling, in regard to the desire for change. Is it confined more to your lodge or lodges than to the people generally? A. The origin of the feeling may perhaps be attributed chiefly to the associations, but there is considerable sympathy from outside of the associations.

Mr. ROBINSON: Q. That is for a change? A. Yes; or objections along the lines I have indicated.

Mr. MASON: Q. I understood you to say that the feeling was more one of unrest, that is, a feeling that there should be a change without absolutely examining into what particular form that change should take? A. I think that phase of it affects the people more than a determination for any other particular system. They find that those who have offices are always active, and they find at the time of an election that it is a good deal of a power.

Q. You speak of officers as far as political matters are concerned? A. Yes.

Q. Are you prepared to say that in your opinion a better selection would be made by the people, or simply that the people would be better satisfied if they had their selection? A. I think perhaps the people would be better satisfied. I have no fault to find with the existing officers. I have heard no fault in any particular way except some very trifling things.

Q. Do you think as a general rule, they have a clear knowledge of the duties of the offices? A. I am afraid there are a great many of them in the same position as I am as far as legal officers are concerned. Those who are brought into contact with the officers may understand their duties, but of course, we are not brought much in contact with them.

Q. And that perhaps is one reason for the desire that you say exists for a change, without, perhaps, a thorough knowledge of how that change should be worked out, except that there should be popular election? A. Yes; and they feel that to elect these officers for life and good behavior, they would have the matter more in their own hands.

Q. With regard to the excess of fees, are you in favor of the surplus going to the municipality that contributes it, or a proportion to the Government and a proportion to the municipality where both contribute to the support of the offices? A. It strikes me that that would be the fairest way.

Q. I see the bill as it is suggests giving the municipality the whole surplus as far as the registry offices are concerned? A. Yes.

Q. Formerly a portion went to the municipality, or rather I think there is a change in the mode of percentage, a larger percentage given to the municiality? A. I understand so.

Q. So far as Division Court clerks and bailiffs are concerned, have you heard any complaints in this county as far as the administration of the Division Court is concerned? A. Not of its administration; no, sir.

W. J. FERGUSON, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Mr. ROBINSON: Q. Have you been a municipal councillor? A. I am in the city council.

Q. What is your idea of the present way of appointing sheriffs, registrars and other officers mentioned in this list; would you have matters remain as they are, or are you in favor of appointment by the county council, or by a vote of the people? A. From what I have observed in the press and otherwise, there seems to have been very little against the officials. As to the question of who should elect the officials and as to their possessing the requisite qualifications, judging from the very little complaint I have heard, I should think the selections on the whole have been well made. Then as to the change of the electors, I would hesitate very much; infact, I would not endorse a change.

Q. Why is that? A. It is a question of elevating the selection outside of the pale of influence, and I do not think a local selection would accomplish, and I do not see how any advantage would accrue to the community from a change, that is, from provincial or local selection.

Q. Would you have the officers paid by fees, or put them on salary? A. Well, I think the fee system should continue in force, but there seems to have been a good deal of quibbling on the question of fees, and a good deal of unfounded speculation as to the enormous amount of the fees, and it occurs to me that if there could be a proper salary determined upon, additional to the disbursement of office expenses it would set at rest any question of the fees. I do not object to fees in themselves, but the public imagine they are more than they really are, and I think if a proper salary could be fixed to the position over and above all office disbursements, it would do away with all speculation along that line.

Q. Would it be just to the general public? A. Well, I think so, if arranged in this way. It appears to me that the whole community is getting a benefit

from the existence of the offices and officials, and they should be under tribute to the Government for a percentage of the expense. It is a great convenience for me to know that should I require the assistance of a registrar or a sheriff to look after any of my interests they are there at my disposal; that is worth something to me, and I should not consider it a hardship to be taxed for part of the expenses where the fees are not sufficient. Then I consider that the persons getting the direct or immediate service are the ones who should certainly pay the larger portion and they should be taxed a specific sum for each service. Then I think there should be a minimum salary attached to every official and also a maximum salary, and the fees above that should revert to the community.

Q. There is no doubt a certain amount of benefit derived by everyone? A. Yes; a man may not go to church perhaps, but he feels that there is a certain advantage to the community from such organizations; nor does he object to pay, through the Government, in order to sustain the school system, although he may not have children of his own to educate.

Q. Has there been much agitation here among the people in regard to this question? A. Very little that I have heard. You hear the question of fees spoken of, but I have always thought myself that the feeling regarding them is exaggerated. I have never been very much under the impression that they were excessive although some people have that idea.

Q. Have you ever been in the United States long enough to know what their experience is there in electing officers? A. No.

Mr. Mason: Q. About what would you consider a reasonable salary for a sheriff; take this county, for instance? A. We have a population of about 65,000 or 70,000. I think the salary of the sheriff ought to be $3,000 for a population like that.

Q. That is net? A. Yes.

Q. And the registrar, you are divided here, of course? A. I would suppose that $2,000 would be fair remuneration.

Mr. Robinson: Q. Are you aware of any wrong doings by Division Court bailiffs in the conduct of their office? A. I have heard practically no complaint whatever.

Mr. Mason: Q. With regard to the officers generally? A. There is so little complaint about them that I think the selection must have been made wisely.

Q. You are applying that locally? A. Yes, as well as provincially.

Q. If you put these gentlemen on salaries such as you speak of would you allow them at the same time to indulge in any other kind of business? A. No, sir; with such a salary as I speak of they should devote the whole of their time to the duties of the office.

Mr. Brooks: Q. Should themselves work or employ deputies? A. I think they should have reasonable assistance for the manual or clerical part of the work. The sheriff, I should think, ought to have an efficient deputy.

Mr. Robinson: Q. Does anything else occur to you which it would be of advantage for us to know? A. Just this only, I do not think there should be at-

tached at any time to any office any unusual salary. It might produce a degree of unusual political activity looking to some such appointment and I would not think it wise.

Q. That is that a limit should be reached no matter what the fees might be? A. Yes; I would put it according to the importance of the office and the amount of intelligence required on the part of the occupant.

Q. Have any of these questions come before your board? A. No, sir.

WALTER THOMPSON MITCHELL, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Mr. ROBINSON: Q. What municipal office have you held? A. I was a member of the town council of Mitchell for about ten years.

Q. You have had a list of the questions in regard to the appointment of these sheriffs and other officers? A. Yes.

Q. What is your opinion about the matter? A. As far as my judgment and knowledge goes I think everything is satisfactory. I feel inclined as far as I am concerned to allow matters to stand as they are. I do not think the present system could be improved upon very much.

Q. And does that statement of yours refer to all the officers? A. Yes; I don't think any improvement can be made in the way of election by the people or appointments made by the county council; such a course would merely complicate matters. We have quite enough to do now with the selection of our county municipal officers.

Q. Is it a matter that is considerably agitated in your neighborhood? A. Not that I hear of.

Q. Have you heard any question as to the manner of their payment? A. I do not think any improvement can be made upon the present system.

Q. Then you are in favor of the fee system? A. Yes.

Q. Is there anything else strikes you touching these appointments? A. Nothing that I can say which would induce me to recommend any change.

Q. As to salaries received by the occupants of these positions, have you any complaint to make of it? A. Well, I heard some of course, among a certain class; of course, our patron friends complain. The farming classes generally don't know just what it costs them to live in the towns and villages; they think a man can live on a very small pittance like they can who raise everything they want for themselves. They are the only people from whom I have heard complaints in regard to the high salaries paid to these officers.

Q. Your own opinion is that you would keep them as they are? A. Yes.

Mr. MASON: Q. What would you consider a reasonable salary for a sheriff? A. I would not consider $2,500 a year too much.

Q. And the registrar? A. Well, of course I suppose the registrar is not as responsible as the sheriff in many ways, and there is less risk. The sheriff is the first officer in the county.

Q. And you think his office should be invested with some dignity? A. Yes; I think so.

Q. Are you in favor of the appointment of deputies by the chief officer? A. Yes; I think so. As for the sheriff being appointed or elected by the people I do not think that would be wise under any circumstances.

Q. Do you think that a popular election would result in the appointment of as good officers as are appointed by the Government? A. I do not think it would be satisfactory.

Q. And do you think that the Government being responsible to the people would be inclined, even although the appointment were political, to select men about whom no fault could be found; do you think that whould be their desire? A. Well; there may be instances where men are appointed to positions who are not fitted for them, but I think both Governments do as nearly right as they possibly can, and I think it is better to have the appointment in their hands than in the hands of the people, because partyism would come out still more strongly. In our municipal contests generally speaking, I think we do not usually get the men there who should fill the positions, simply because they won't take the abuse that follows.

Q. They won't go through the mud? A. No; we won't get the best men in those positions by any means.

Q. And following that out, you think you would be still less likely to get them in the other positions? A. Yes.

Q. Do you know if there are any complaints with regard to the officers of the Division Court? A. I have not heard of any.

Q. No desire on the part of the bailiffs to promote or foster litigation for the sake of piling up fees? A. No; I have never heard any complaints of that.

JOHN L. BRAY, M.D., by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Have you occupied any municipal offices? A. Yes; I have been a member of the town council here years ago, and I was reeve and deputy reeve of the town before its separation from the county; I have lived here for thirty years.

Q. Have you had a list of the questions? A. I have; and I just wrote down my ideas, thinking that perhaps it might shorten the inquiry.

Q. Do you suggest any other names than those contained in the list? A. Yes; in my opinion all the officers named in the list should be appointed by the Government with the exception of the Division Court clerks and bailiffs, who, I think, should receive their appointments from the county judge, to whom they should be accountable for the proper discharge of their duties. My reasons are that these appointments should be entirely non-political, and secondly their intimate connection with the courts keeps them before the judges, and if their duties are not satisfactorily performed, or there is any trouble it can be remedied without any delay, such as necessarily occurs when the appointments are made by any political party. License commissioners and license inspectors should receive their appointment and be paid by the municipality. Those appointments should be entirely removed from the realm of politics. I do not approve of paying any of these officers by fees in whole or in part. I think the tariff of charges for work done in the offices should be made sufficiently high to cover all necessary expenses and salary, and the charges should be paid by those parties

requiring the work. All the officers connected with the administration of criminal justice should be paid out of the general revenue of the province, and be directly under Government control. I do not approve of the election of any of the officers by the people. I am not capable of judging what amount of salary should be paid to these officers, because I do not know how much of their time is required for the performance of their duties. For sheriffs and registrars I think $2,500 a year would be a fair remuneration, as I take it all their time should be given to their official duties.

Mr. HOBSON: Q. The election of license commissioners is considered by some to be a very bad system, because certain parties work very hard to secure the election of license commissioners, and they might naturally expect some little consideration when it came to their own particular business? A. Well, in the days I speak of there were no license commissioners at all; the council were really the license commissioners and they appointed the inspector; so there was no appointment of license commissioners, nor do I think there should be now.

Q. It is an honorary position, is it not now? A. No; I think they receive pay for the time they meet, so much per day.

Mr. FLEMING: They only get their expenses. A. Well, I did not know that.

Mr. MASON: Q. At the time the change was made was it not generally with the concurrence of the municipal council? A. Not to my knowledge.

The CHAIRMAN: Q. I think the change was made at the instance of the municipalities; perhaps not universally, but a strong representation was made that it was desirable to have it in the hands of the Government. If there is strong local feeling against a liquor law—and we know in some cases there is—it is desirable to have all laws enacted in force; would there not be danger in that case of officers appointed in the way you speak of being remiss in enforcing the law? A. I cannot say. I don't think so, any more than they were under the Scott Act, and I fancy the Government had power to enforce it, but people deliberately evaded it. I don't see that it would work any differently if the persons were appointed by the municipality.

Q. The popular feeling was strongly against it then? A. Yes; and there was evasion by common consent, no matter how much the Government tried to apply it. I do not think that would occur any more frequently in the case of local appointments.

Mr. ROBINSON: You are in favor of salaries? A. Yes.

Q. Why do you prefer that system to fees? A. Well, I think in some cases, although I cannot speak authoritatively, that the fee system acts as an incentive for the officers to make more work so as to increase their fees.

Mr. MASON: Q. On the other hand, don't you think it would perhaps work just the other way, that if salaries were paid it would be an incentive not to do enough work, not to collect all the fees? A. Well, it might in some cases, it depends upon the man. Such a man as that would not be fit for the office. You might say the same regarding other salaried officials that we have. It is a rule that will work both ways. I think in certain offices the fee system might perhaps work all right, but on the whole I think the salary would be better. It is pretty well known what all these offices are worth, and it would not be difficult to ascertain exactly what salaries should be paid. I think sheriffs, registrars

and county attorneys should be paid good salaries. Of course, I am not prepared to say how much the clerks of the Surrogate Courts and so on should get.

Mr. HOBSON: Q. In the matter of sheriffs, would not the community suffer through the negligence of the sheriff? The very fact of his drawing fees for his work has the effect of making him attend more closely to it, to see that there is no omission? A. Well, it depends upon the man. Where he is getting fees he might perhaps draw fees that he ought not to get.

Q. Are any complaints of that kind made that you know of? A. No; I think all of our officials here are competent and honorable men.

The CHAIRMAN: Q. I understand you to take the view that where the amount of fees from any given office is clearly more than sufficient to compensate the man who gets them that there he certainly should be put upon salary? A. Yes; where they are clearly in excess.

Q. But where they only come to that amount, or less than that amount, you are not so strongly in favor of salary? A. No.

Mr. ROBINSON: Q. Are you acquainted with the system on the other side? A. No more than by reading of it. I do not approve of it; I do not believe in the election of these officers by the people at all.

The CHAIRMAN: Q. Or the appointment of them by the council? A. Well, no; I do not approve of appointments by the council either.

Q. What is the size of your county council here in number? A. I think it is thirty-six.

Q. I suppose you find as a matter of experience that thirty-six men in making appointments are not likely to be actuated by the same sense of responsibility as where only six or seven are making the appointment? A. No; and everybody has an applicant for the office, and consequently very often the best man does not get the position.

Q. What is the population of your county here? A. 45,000.

Q. Suppose there was to be an elective system here, do you think that a constituency of 45,000 could intelligently elect a sheriff; how would they go to work about it; would not it be run on party lines? A. Yes.

Q. They would use the machinery employed for elections of members of parliament? A. Yes; and then I do not think the sheriff could discharge his functions as satisfactorily, because he would not like to offend those who had elected him. I do not think he would be as independent; I do not think the system would work well at all.

Mr. ROBINSON: Q. He would not be under the same control? A. Oh, no. I think all these principal officers should certainly be directly under the control of the Government.

E. E. PARROTT, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Have you ever been in any municipal office. A. No.

Q. What is your occupation? A. I represent the Temperance and General Life.

Q. Have you a list of the questions? A. No; I have not.

Q. What do you say as to the manner of appointing these officers? A. I think that when, as in this province, we have extended the franchise to the fullest extent, it would be a little dangerous to the State to extend it on the other line of these appointments. It seems to me very much better to have the appointments in the hands of the Government for two or three reasons. All persons who are called upon to administer are likely to make themselves somewhat unpopular with the criminal classes, and if the people elected these men, I am afraid that our best men would be perhaps our most unpopular men in an election, and I have more confidence in good men being selected by a body of representatives than by popular vote. It seems to me that it takes a certain amount of time and study to understand how to administer in these offices, and if the elective system prevailed, about the time a man got fully acquainted with the duties of his office an election would come on and the popular vote would sweep him out and a new man would be appointed and we would be educating new men every three or four years, and perhaps educating them at the public expense. In this county we have had more trouble and complication with our county appointments than we have had with our Government appointments.

Q. How many years have you been in this county? A. Eighteen years.

Q. Then as to the appointments made by the county councils, do you think that is any improvement? No; I do not favor that; I do not think we would secure as good class of men as by Government appointment.

Q. Then what do you say as to the manner of payment? A. I believe that civil officers should be paid reasonably well. I believe in a fair day's wages for a fair day's work. Where men are appointed to offices with poor pay we generally get poor men and have a good deal of trouble, and if in offices where talent and responsibility is required for the discharge of the duties we do not pay according to that talent and responsibility it is putting a premium on ignorance. I think we should be very careful in our selection of civil officers, and endeavor to get the very best men for those positions, and paying them adequately for the talent they bring to them and for the responsibility they assume.

Q. Do you approve of the present system of a fixed amount being taken by these officers and the surplus, less a percentage allowed the officer, being turned over to the municipality? A. I believe in the fee system and I think for a good many reasons it is a good system. I think the scale would be more just than if we paid them by salary. Where a fixed salary is paid there is not the same incentive to get all that is possible out of the business. I do not think the present system we have in this province can very well be improved. As to the surplus, if the Government is responsible for appointment and inspection, I think itshould be divided between the Government and the county.

Q. Are there any other matters on which you wish to speak? A. No; I think it would be a mistake to pile up too much business in the registry office. I think the present system of dividing the registry offices would be better than having them all in one office.

Q. When the territory is large and the population increases you favor having two offices? A. Yes. I think in the matter of magistrates that some different arrangement could be made.

Q. You mean justices of the peace? A. Yes; I think our men who are called upon to fill that position should be graded differently and paid differently to what they are.

Q. Then you would do away with grand juries and have a higher class of local magistracy? A. Well; it seems to me it would be better if we had a different class of magistrates, and I think it would not be a bad thing if we had a man appointed by the Government to act as permanent foreman of grand juries.

D. D. CAMPBELL, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Have you had some experience in municipal matters? A. Yes; I have been thirty-six years generally in the council, and have been mayor, reeve and deputy-reeve.

Q. Have the appointments of the officers referred to in this list come up for consideration by the council? A. They have; the agitation has been more marked lately than in times past.

Q. Touching particularly the appointment of the registrar and sheriff? A. When I was in the county council I do not think we ever discussed the appointment or the election of these parties; the discussion was more in regard to the remuneration, which was thought to be too great, and the idea was that a portion should be diverted to the municipalities, which has since been done.

Q. After it amounts to a certain figure? A. Yes.

Q. And has that proved satisfactory? A. In a measure it has.

Q. So that with the exception of the last year, I suppose the agitation has greatly ceased? A. Well, it never was fanned in the way it has been lately.

Q. What is your opinion respecting the appointment of sheriffs or registrars? A. I would select two out of the list that I would not favor being appointed by anybody but the Government; that is, the sheriff and the Division Court bailiff. The Division Court bailiff should either be appointed by the judge or by the Government; and I think the sheriff should most decidedly be appointed by the Government, to hold office during good behavior.

Q. In your time the Division Court bailiffs were appointed by the judge? A. Yes.

Q. They are now appointed by the Government? A. Yes.

Q. Would you advocate their appointment in any other way now? A. In our own division I have heard that it is easier to get the money out of a debtor than to get it out of the Court. I don't say that to make any reflection on the Courts at all, but that is a somewhat general opinion. Speaking for myself, I have had very little to do in the Division Court. As the warden has mentioned, the bailiffs have been rather lax instead of being really efficient; too good-natured and easy. I would think that a judge should have a better opportunity of judging the efficiency of a bailiff in the Division Court than the Government would have.

Q. I suppose it was owing to an agitation when they were appointed by the judge that the manner of appointment was changed? A. I do not remember.

Q. You recollect that they were changed? A. Yes; in the early days the bailiffs might have been said to be inefficient, but they had a very hard task to carry out. I know there was some talk about their being creatures of the judge, and that probably caused the change; but I don't see any benefit at all in the change; in fact I think it is the other way.

Q. Have there been too many divisions of this sort in your county? A. I think not.

Q. It has been said that the office of a bailiff is not as profitable as it used to be? A. The bailiff can magnify his office or otherwise. He can allow things to lie neglected, and through his inefficiency make suitors loath to enter suit at all.

Q. But now is not that regulated by the inspector who goes around and hears complaints and looks into the office? A. I have not seen any of that, and cannot judge how far inspectors interfere to correct the bailiff or clerk.

Q. You would keep the office of sheriff in the appointment of the Government? A. Yes.

Q. And also the registrar? A. I would not say that; the other officers in the county might be appointed by the county county, all of the others.

Q. Do you say all? A. Yes.

Q. Why do you think so? A. Well, the county council is here among them; they know the people much better than any government can know them. With regard to changing to salaries, I am not able to speak of that with that degree of intelligence desirable, as I am not conversant with their duties. I think, however, that they might without any detriment be appointed by the county council, but in no case whatever would I have the people elect them annually.

Q. You are opposed to that entirely? A. Yes; I think the appointment of all officers should be during good behavior.

Q. When you speak of having them elected by the county council, would you have them elected for a certain number of years? A. I would have the appointments made subject to dismissal only in case of it being shown that they were unfit for the office; or in the same way as the treasurer and clerk are appointed.

Q. Then touching their conduct when in office, how would you have it inspected? A. By the Government in case of their being appointed by the county council, and in the event of their being appointed by the Government I would endeavor to devise some other means by which they could be inspected instead of by the Government.

Q. In your opinion the inspection at the present time is not satisfactory? A. I do not think it is.

Q. Do you limit that expression to any particular office? A. I can only speak of it generally, of the general system. A person appointed by the Government and inspected by a person appointed by the Government, things might be condoned in that case that would not be if they were inspected by another independent authority.

Q. You are in favor, then, of keeping the remuneration as it is at present, by fees? A. No; I would not say that. I cannot go into this matter as I would

like to, because I have had only very short notice, and am not prepared at the present moment to distinguish between these officers. I think, however, that a change should be made of that kind, that in the case of quite a number of them the fees should be funded and the remuneration be by salary; at all events it would not be against the general interests of the county.

Q. Has there been any dissatisfaction expressed regarding the course of the Government? A. No; the tendency of the legislature of the Government has certainly been to reduce the fees. But there has always been an objection in the case of the registrar of deeds, that the office was a sort of sinecure; that the registrar was paid too much and could go a-fishing and let the work be done by a deputy. That has always been talked of as being against the general interests of the community. In this county we have a registry office in the north and one in the south, very much against the interests of the community.

Q. I suppose the change was petitioned for by the people? A. I imagine rather it was to create a place. I would strongly recommend in case of the death of either of the registrars that the offices should be again united. Take Mitchell, twelve miles west of here, they have to come to Stratford and go down twelve miles further to St. Mary's to register deeds. That is one instance.

Mr. HACKING: I quite agree with Colonel Campbell in regard the desirabilty of the amalgamation of the two offices in case of the death of the occupant of either.

The CHAIRMAN: Q. Touching the position of deputies of either the sheriff or registrar; has any injustice in the way of insufficient remuneration to the deputy come under your notice? Would you have his remuneration fixed either by the Government or some other independent source? A. In this office under the registrar, William Smith, I know but little about the remuneration given to the deputy. Under Mr. Robb his own family did the office work generally, and with the present registrar I understand the same thing applies, but speaking generally I would say the registrar and sheriff and the officers who have charge of the departments should select their own deputy. I would recommend in addition to that that it ought to be the duty of the inspector among other things when inspecting the office to see that the arrangement is not wholly a matter of business of profit and loss, and that the deputy receives fair remuneration for fair work, so as to secure a capable man for the work in the office.

Mr. MASON: Q. I understood you to say, Mr. Campbell, that you thought some of these officers might very well be appointed by the county councils. Do you think that that would be better than the present system, or only that it would be just as good as the present system? A. Well, I am not one of those who think that all changes are in the interests of the public; I would not advocate a change simply for the sake of change. I think where matters have been going on satisfactorily for many years they should be dealt with very carefully, and should never be attacked immediately on a public agitation. But apart from that I would say from my experience that all the officers except the sheriff and bailiff might be elected by the county council with advantage. One reason of that is this, that by a peculiar coincidence the late premiers of the Dominion Goverment and the Local Legislature have retained the confidence of the people for a very long time, and remained at the heads of their respective governments. The tendency in such a case is for the Government to fill all the offices from among their supporters. Take the Senate for instance; there is an agitation against the Senate, and I fancy a good deal of that is because they are all chosen from one

side. In the Province of Ontario for the last twenty years the Government have made the appointments from among their own friends. I think that has a great deal to do with the agitation.

Mr. MASON: Q. Assuming that, do not you think that to a certain extent the same trouble would arise if the county councils had the appointment? Would they not unanimously appoint somebody who had been reeve; would not there be the same tendency towards favoritism, or even political feeling? A. Yes; no doubt, but the county councils are not a one-sided body in politics.

Q. But might not sectional feeling creep in? A. Yes; it might and no doubt occasionally would. I do not give you this as a reason why a change should be made, I simply look upon it as the cause of a desire for a change.

Q. If the county council had the appointment of these officers who are named, do you think taking them altogether that they would be likely to select men better fitted for the positions than those who hold them now? A. Yes; I think they would.

Q. I mean speaking generally? A. I think so from the nature of the circumstances, knowing the people.

Q. Do you at all favor election by the people? A. No.

Q. But do the county council have any knowledge? A. Yes.

Q. But you still favor an inspection by the Government in case of the appointment being made by the county council? A. Yes; in case the appointment is made by the county council.

Q. Don't you see a difficulty in practically carrying that out, in the officer having to inspect some one who is not responsible to him or to the Government of which he is an officer? A. No; not insurmountable.

Q. Assuming an extreme case, suppose the Government inspector comes into an office and finds fault with the holder of that office, and that individual simply tells him to go about his business, what is the inspector going to do about it? A. Report him to the county council; I have as much faith in the county council as in the Government. The Act authorizing the appointment to specify the method of meeting the case.

Q. But would not the county council be very likely to back up their appointee as against the inspector? A. No; not in this county. The appointments in this county have been generally good.

Q. Do localities play any part in your county? A. No; generally speaking, the fitness of the candidate is what decides the matter. The county clerk for years and years was a strong Reformer while the county council was two-thirds Conservative, and we have had a warden appointed quite a number of times whose politics were of the opposite character to those prevailing in the council, and the warden is looked upon as the biggest pull, you know.

Q. Do you think the work that is done in these offices should be paid for by the people who require that work done, in other words, paid for by fees? A. I think the work should be paid for by the party requiring the service in every instance, and by fees.

Q. Then you are of opinion that as nearly as can be arrived at the offices should be self-sustaining and no more? A. Yes; with a margin for contingencies.

Q. Or in other words, that the fees should be so regulated as to provide reasonable remuneration for the official and his clerks and no more? A. Well, there is another consideration coming in there that I think can hardly be brought down to a close basis. In real estate when lands is changing hands rapidly, and the fees in the office may run up to $4,000 in one year. In a more quiet time the fees may run down to less than half that. Now, you can hardly form a basis on which the fees could be arranged to be self-supporting and no more. I would myself favor giving officers a fixed salary with a certain amount of duties to perform, and pay the excess of fees into the county treasury.

Q. Do you think if an officer is paid by a fixed salary without reference to the fees that he is likely to watch the details of his office as closely as he would if he were paid by fees? A. It would depend altogether on what kind of man he was. It would make no difference with some men.

Q. Would it be human nature; don't you think there would be a tendency towards not watching so closely? It has been found in nearly every instance where there have been commutations based upon the fees received previously that the receipts of the office have fallen off? A. There may be a tendency that way.

Q. That is one reason why the fee system is better than the salary system? A. I do not understand how they could fall off in the case of the registrar to any great extent.

Q. In this way, he would not be so particular in charging up for searches; a man might come in and make half a dozen searches, and the registrar might say, oh, a dollar will be enough for that? A. That would have a tendency to lower the revenue. The main question is, can the work in these offices be efficiently done at less cost.

Q. And in the case of the sheriff, perhaps it is more marked still. He might without in one sense really neglecting his duty be still less persistent than he otherwise would be in the prosecution of an execution? A. It is different in the case of the sheriff. I do not advise a change in his appointment by the county on salary. One might have a writ to serve up here thirty miles, which he would know would have to be served at night if he did not want to lose his money. He would go to the sheriff and ask him to go. If he were a salaried officer he might say, "No, I will not go now, you can come to me in office hours," and the Division Court bailiff is the same way.

Mr. BROOKS: Q. Should we not have men in these who would act along the line of duty and not fall away under the frailities of human nature? It is being said all the time that these men ought to act from principle. And many of these do. Lack of principle is the exception.

Mr. MASON: Q. Have you had any experience in regard to that question as far as county business proper is concerned; county treasurers, as to their honesty? A. In this county we have had exceptionally good men.

Q. The reason I ask that is, it has been shown by returns that there have been more defalcations among officers appointed by the county councils than in the case of those appointed by the Government? A. That is possible.

Q. There has been a very recent instance in St. Catharines? A. Yes; but we have had good men in this county, men of sterling honesty.

Q. What do you think would be a reasonable salary for the sheriff in a county like this? A. I would not care to name it.

Q. Last year he got $1,354; I suppose you consider that rather under than above the mark? A. If it has to cover all.

Q. That is his net earnings for the year? A. I would not consider that too much. Now, in the registry office—I don't know whether it is true or not—I heard of a deputy registrar, who, being the son of the registrar, increased his own salary in order to swell up expenses, and in order to avoid returning the proper percentage to the county council did not account for all the fees.

Q. You mean in the disbursements in the office? A. Yes.

Q. That would not matter, would it, unless the gross would yield an increase of revenue to the municipality. You know up to a certain limit the registrar is allowed the full amount, and it would not matter as far as the municipality is concerned how you returned that if there was none coming to the municipality? A. I don't know, but it appears there are large amounts of money charged up as expenses in order to reduce the net income.

Q. Or rather to reduce the income to a point by which the municipality would not benefit? A. Yes. But that can be limited by proper inspection. I think it ought to be an important part of the inspector's duty to see that the officer gets enough, and also that he does not get too much.

Q. In other words, that he does not put in too much for disbursements? A. Yes.

Mr. Robinson: Q. Is there anything else that suggests itself to your mind? A. No.

JOHN BROWN, by request of the Commissioners, appeared before the Board, and being interrogated, stated as follows:

Mr. Robinson: Q. You have been through the municipal mill? A. Yes.

Q. And you were once deputy registrar? A. Yes.

Q. For how long? A. Some five or six years.

Q. What is your opinion about the appointment of these gentlemen referred to in the list; would you keep them as they are or change them? A. I favor the election of most of these officers by the people.

Q. You speak more particularly of the chief officer, the sheriff and registrar? A. Yes; I approve of the principle. I also think that our municipal officers should be elected instead of appointed. The treasurer and county clerk, and more particularly city officials.

Q. Do you think it would be of advantage to the community, and if so in what respect? A. Well, as a rule, the people are just as liable to select good men as the Government under the present system. As a rule, these appointments are given as a reward for party services, and while in many instances they go to good men, there are a number of cases where they are not so given.

Q. And would not they be given for party purposes to the same extent if the council appointed them? A. I would not have the council appoint them, I would have them elected. I am most decidedly against the county councils having the appointments.

Q. But the principle would be the same, would not it? A. No; I would a good deal rather see it stay as it is than have the council appoint them.

Q. You would rather have them elected by the people than appointed by the council? A. Yes.

Q. That being the case, how would you have their offices inspected? A. By Government inspection.

Q. Could that be done satisfactorily in your opinion? A. I think so.

Q. Would not a man elected by the people be perfectly independent of every one except the people? A. I don't think so.

Q. The Government could not find fault with him? A. I think the Government should still have the power, if the official was not doing his duty properly, to dismiss him.

Q. Then you would leave the power of dismissal with the Government? A. Yes.

Q. You would have the office inspected by a person appointed by the Government, and give power to the Government to dismiss him if he was an improper man? A. Yes.

Q. Although you would have him elected by the people in the first place? A. Yes.

Q. Subject to that sort of control? A. Yes.

Q. And in that way you think that the office would be just as well served as it is now? A. I think so.

Q. Speaking of deputies, would you have them elected too? A. No; I would have them under the control of the chief officer.

Q. How often would you have the chief officer elected? A. He should be elected to hold office during good behavior.

Q. And he should have the appointment of the deputy in his hands? A. Yes.

Q. And would you leave the paying of the deputy in his hands? A. Yes.

Q. You would not have them controlled by the Government or people in any way? A. No; he is responsible for the actions of the deputy and should control him.

Q. And that is your opinion as to the policy that should be adopted in appointing these officers? A. Particularly the sheriff and registrar.

Q. Then touching their payment? A. I don't think that could be improved upon; I think the fee system is the proper system.

Q. You think when the fees reach a larger amount than what is fair, the balance should go to the county or the Government? A. It would depend; I think the offices should pay something towards the inspection and the remainder should go to the municipality.

Mr. Mason: Q. With regard to the inspection, Mr. Brown, I understand you to say that you favor election by the people with inspection by the Government with power to dismiss? A. Yes.

Q, Don't you think that would be shifting the responsibility from the proper shoulders? I want you to give me some reason why that should be rather than inspection by the power that appoints? A. You could not have an inspection by the power that appoints in that case. Of course the people appoint the Government to look after the interests of the people, and the inspection of these offices would be a duty devolving upon them.

Q. And you are of opinion that election in the way you propose would result as satisfactorily as appointment by the Government? A. I think so.

Q. And you would get just as good men? A. Yes.

Q. And you think the people, generally, are qualified? A. To a great extent.

Q. Do you think the general run of people know anything about what the duties of these offices are? A. Yes; they have a general impression.

Q. You don't think there would be a great tendency to defalcation? A. If there were no inspection no doubt there would be, but there would have to be restrictions; that would be a matter of detail.

Q. And why do you look upon these as local officers rather than provincial officers, more especially those who have to do with the administration of justice? A. It is more in connection with the county; their fees are drawn from the county.

Q. Of course a good deal of the work is handed in by people outside of the county altogether? A. Still it must necessarily come out of the people in the county, unless they cannot recover anything.

Q. You are not in favor of electing deputies? A. No.

Q. Why? A. I think you should hold the head of the department responsible for the work of his deputies or employees. If you elected all the clerks you would have divided authority, and that would not do.

Q. Do you think from the result of your experience that under our present system the best men are elected by the people to fill the position of aldermen? A. No, I don't.

Q. Why? A. I believe the great reason is that we have the ward system of election for aldermen. I believe if they were elected by the city at large we would have better representatives. We have too many of them.

Q. Is not there also a dislike on the part of what may be called the better class of people to the turmoil and unpleasantness of an election contest? A. Yes; there is that.

Q. And do not you think that that would extend to a certain extent to election by the people of these officers; would not the tendency be to appoint the man who was the popular idol for the time being? A. Yes; no doubt that would be the tendency.

Q. You know from experience as a municipal councillor for a great many years, that the tendency is rather to lower the class; in other words, it is not the best man always that can be elected? A. That is true, I think.

Q. Don't we find that as a matter of fact; don't you see that in your experience? A. Yes.

Q. And if that is the case with aldermen would not it be likely to extend to a greater extent when it comes down to the people themselves? A. No; there is a difference. In municipal affairs where the number is large, the number elected, the people are indifferent, they think that even if a man is not a good man he cannot do much harm among so many.

Q. Have not you found that the men who ought to receive the highest vote are often at the foot rather than at the head? A. Yes.

Q. And don't you think that in elections such as you suggest the worst man would often get the highest vote? A. I don't think it; I have a better opinion of the people than that.

Q. Why should you have a better opinion of them in one respect than in the other? A. I think the people would consider the question of fitness for the office.

Q. Then why don't they do it now? A. Simply for the reason as I have said, that there are too many elected, and under the ward system the constituencies are narrow and local jealousies are apt to creep in, whereas if you widen the constituency to a great extent this would be avoided and the people would look more to the fitness of the man for the position, especially if the number were largely reduced.

Mr. BROOKS: Q. If the people had the power of election, do you not think it would lead to their taking more interest in the matter? A. Yes.

Mr. MASON: My reading and information with reference to the practice on the other side leads to the belief that it results in the abuse of power rather than any improvement? A. I think possibly that is on account of the shortness of the term, but even on the other side if there is anything against a man they will not vote for him.

Q. Did I ask your opinion as to the salaries of these officers? A. I do not think they are too highly paid. I think the system of having them return a portion where it is too large is right.

Q. Do you approve of their sharing to a limited extent in the surplus? A. Yes; I think it is fair.

Q. You think they are as much entitled to it as the municipality is to a fair proportion? A. Yes.

Q. There may be some question as to what that proportion should be, but to some extent you think they should share in the increase? A. Yes.

THOMAS PLUMMER, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Mr. ROBINSON: Q. How long have you being living here. A. About six years.

Q. I understand you are manager of the Bank of Montreal here? A. Yes.

Q. During that time have you run for the council or as mayor? A. No; I have not.

Q. Have you had any experience in municipal matters? A. No; my attention has been confined to my own business.

Q. Have you heard the question of the appointments of registrars and sheriffs at all discussed among the people? A. No; I have not had much opportunity for that sort of thing. It is altogether out of our way; we have very little to do with such things. You ask some questions on this circular which I looked into yesterday. There is one thing I would strongly object to, and that is the appointment of officers by municipal councils, or, in fact, by anybody else than the Government.

Q. You are satisfied with things as they are? A. Yes; I have never heard anything to make me otherwise.

Q. You prefer the present system to either election by popular vote or appointment by the municipal council? A. Certainly; in regard to any of those appointments I think they are all outside of what may strictly be called municipal positions. I do not know where things would stop if the elective system were once started.

Q. There would not in your opinion, I suppose, be the same control there is now? A. No.

Q. Have you in the course of your business ever been in the United States in such a way as to observe the workings of the system of electing public officers there? A. No; but I lived some years on the Canadian side of the Sault Ste. Marie.

Q. As a banker, you are naturally much interested in municipal affairs? A. Yes.

Mr. MASON: Q. What would you consider a reasonable salary for the sheriff of a county like this, just for himself, his own personal income? A. He devoting all his time to the office?

Q. Yes. A. To live well and uphold the dignity of his position, and considering the heavy responsibities of the office, I should think it is worth three to four thousand dollars a year.

Q. And the registrar? A. That is different, although of course it is a point I have not thought of very much, and it is harder to express an opinion. The sheriff always seems to me to be a man of some weight. He must be a man of more intelligence, because he has more responsibility. The registrar's work is to a great extent routine work, whereas that of the sheriff is such that he has to take a great many matters in his own hands, acting often upon his own judgment, and perhaps running a good many chances.

Q. In other countries the sheriff is always the highest? A. Then again, there are two registrars in the county. As I said before, the work of the registrar is very largely routine work. I think such officials should all be paid so that they could live properly and respectably. The Government should pick out good men and pay decent salaries.

Q. You are in favor of the present system of payment by fees? A. I could not express any opinion upon that.

Mr. ROBINSON: Q. The managers of banks are not paid by fees? A. No.

P. R. JARVIS, by request of the Commissioners, appeared before the Board, and being interrogated, stated as follows:

Mr. ROBINSON: Q. You have been in the council at different times? A. Yes; I was in the town council a great many years, and several years in the county council also; and I have been mayor of the city five or six years.

Q. You have seen the list of officers, are you satisfied with the present way of appointing them or have you any suggestion to make of anything better? A. I am not in favor of any change in the manner of appointing any of those officers. If the appointment got into the hands of the county council things would soon get into a mess, owing to the rivalry of the parties and the clashing of different interests from different parts of the townships and of the county, and I think any change like that would prove very unsatisfactory.

Q. And are you equally decided in your opposition to election by a vote of the people? A. Yes; I should be opposed to that also in the same way. I do not think under either of those systems we would have as satisfactory officers as we have at the present time.

Q. Then as to the manner of their payments, are you in favor of the existing method of payment, or do you think these gentlemen should be paid a salary? A. They are now paid by fees, are they not?

Q. Yes. A. I think if they were put upon salary they would not exercise the same energy in attending to the business.

Q. And you would therefore keep things as they are, as far as payment is concerned? A. Yes.

Q. Are you aware of there having been any considerable discussion or agitation upon this question? A. No, not particularly. Of course, the matter has come up occasionally, but it does not result in anything of moment. They talk about change, but the concensus of opinion is that things are better as they are.

Q. Are you in the council this year? A. No; I have not been for several years.

Q. Then touching the bailiffs of the Division Court, does anything suggest itself to you that would be a beneficial change regarding them? Are you aware of any impropriety on the part of bailiffs? A. No. I think there would be just the same fault to be found if they were again appointed by the judges as there is now. Of course the objection is that they appoint friends of a particular party. Of course, these men do a little electioneering, and I suppose it would be the same on the other side.

Q. Do you believe that the appointment of deputies should be left in the hands of the registrars and sheriffs? A. Certainly; I do not see how it is possible that a registrar or a sheriff could maintain proper efficiency otherwise; I think it is better that they should have control of the appointment, and full control over the deputy.

Q. You would not advocate any change either in the mode of appointment or in the manner of paying them? A. I would not. I think the great thing that we have to look to is good inspectors; if we have good inspectors to look after them it is all that is required. I don't know whether there is any inspection of the sheriff's office. Is there?

Q. Oh, yes; the inspector of public offices inspects the sheriff's office. A. I did not know that. I know there is quite a stirring up of the registrars.

Q. Yes; and the inspector of public offices also watches the sheriffs. A. I know in the case of a Division Court suit that I had, that was sent away from here, I had to write to the inspector, and I found every satisfaction at once; I was very much pleased. If we have good inspectors and these officers do not do their duty it is very easy to report them.

Q. There has been no complaint to your knowledge of the way in which the inspector conducts his duties? A. No, none. I certainly would not be inclined to make any changes. Of course, there is a great deal of agitation just now, I mean only recently, since the Patrons have come on board, but I think the more they argue the matter and come to understand it, the more they will come to feel that it is better to adhere to the present system.

Q. Do you see any good policy in making a change? A. No; I think it would be very injudicious to make any changes, especially when things are working so well as they are. Any change would involve the adoption of new principles which have not been tried, whereas things are now working very satisfactorily. I may say that I have dropped out of municipal life, and am now merely a looker-on.

Mr. Mason: Q. Still all these matters came before you during the years when you were in public life? A. Yes; we gave a good deal of attention to them during that time. I may say that I lived here before the division of the county. It used to be Huron, Perth and Bruce, and I lived in Stratford when we belonged to Goderich, you know, we had to go up there through the mud to do our legal business.

Q. Have you noticed the effect that the improvements in the system of inspection have tended towards in the conduct of the offices generally? A. Yes.

Q. Both in the case of bailiffs, Division Court clerks and others? A. Yes.

Q. In the olden times there were complaints about the Bailiffs and Division Court clerks keeping back money? A. In the old times it was more trouble to get the money out of the Division Court clerk than from the debtor.

Q. There is a great deal less of that now? A. Oh, I do not think there is any of that now, it is carried on in the very best possible way, now. I know in our own Division Courts there is nothing to complain of at all.

Q. And you found where there was necessity for interference by the inspector that the matter was at once attended to? A. Yes. That was a case where accounts were sent away and a judgment obtained, and I suppose the parties were all good friends, and being so far away they thought perhaps I would not bother with it. I merely wrote to the inspector, and the result was the matter was straightened up at once.

Mr. Brooks: Q. What would you think a fair remuneration for a sheriff? A. Well, I really do not know. I had a brother who was a sheriff of Toronto. His remuneration some years was very good, but I should fancy in a place like this that somewhere about $2,000 a year would be a fair remuneration. I don't see how the sheriff could possibly do with less money than that.

Mr. Robinson: Q. Would you put him at a higher salary than the registrar? A. Well, I have not given that much consideration; I don't think the registrar has the same responsibility the sheriff has, or is under the same expense. There is a great deal of responsibility in the sheriff's office.

Q. Does anything else suggest itself to you? A. No; I do not think of anything at present.

Mr. BROOKS: Q. Have you ever had reason to believe that appointments were made to these offices by the Government as a reward for party services rather than in the interest of the public? A. Well, with regard to the sheriff here that was not the way. The registrar was an old Parliamentarian for years, and when he retired or was defeated he received the position, but it is not like giving the position to a person who is not capable of managing it. You might look all over and you would not get a better man. Still I understood he received it on that account. Of course, each of the parties appoints officers from among their own friends.

Mr. MASON: Q. But you are of opinion that while that may have been the case he was a competent man? A. Oh yes, perfectly so.

Q. And do you think that county councils would do the same thing? A. During the time I was in the county council we had a great deal of trouble one way or another, log-rolling and so on, and that does not give me much confidence.

JOHN BLAND, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Have you been in many municipal or other offices in the county? A. No.

Q. I suppose you have a greater or lesser knowledge of municipal matters in connection with the registry office, the sheriff's office and others? A. Yes.

Q. Have you lived long in this neighbourhood? A. Yes; over forty years

Q. In looking at the list of these different officers, what opinion have you formed as to the manner of appointing them; do you make any distinction as to any one or more; if so, just indicate them, or if not you can take them together? A. Well, as far as the appointing of the officers is concerned, I do not approve of the Provincial Government appointing any of them; I would rather have the appointment made by the municipalities. My reason for that is that I think that course would take the matter out of the hands of the Government; and I should think they would be very glad to get rid of it, having so many people trying to get offices all the time. It would have a tendency to make things purer.

Q. When you say putting it into the hands of the municipalities, do you mean appointments by the municipal councils, or that they should be elected by the people? A. I think it would be better that the municipal councils should appoint them.

Q. Would you restrict that, or would you apply it to all the officers mentioned here? A. No; I don't think all of them. I think the clerks of the County Court, the registrars of the Surrogate Courts and the Division Court clerks and bailiffs would be better appointed by the judge or by the Law Society or in some such way as that, as they have a better knowledge of these people than the town councils.

Q. Regarding those as officers of the courts, you think the courts or some legal organization should appoint those officers? A. Yes.

Q. And that the registrars of deeds and sheriffs should be in the hands of the municipality. What about the local deputy registrars of the High Court of Justice, the deputy clerk of the Crown, and the clerk of the County Court? They are in the same position as the Surrogate registrar and Division Court clerk? A. I think that might be left with the Law Society or the judges.

Q. Would you make a distinction between county attorneys and clerks of the peace who are not officers of the court? A. Yes.

Q. And the other might be appointed by the judges or by the Law Society, you think? A. Yes.

Q. And the registrars, sheriffs and county attorneys appointed by the county council? A. Yes; I notice you have here the question, if there are any officers. It seems to me that the local license commissioners appointed in every municipality ought to be elected by the municipalities.

Q. That is, elected by popular vote or appointed by the county council? A. Appointed by the county council.

Q. You are not in favor of any of these being voted on for the public? A. No; I think the appointment would be better made by the county council.

Q. What is the size of the county council here? A. There are twenty-one members in the city.

Q. And in the county? A. Nearly fifty in the county of Middlesex.

Q. Do you think, taking the average of the county council as fifty, that they would make a really judicious appointment of these officers on their merits, or would not they divide as to who the man should be, and then compromise and so on? A. Well, to a certain extent that would apply with them as it does with provincial governments. They appoint their own friends, no matter which party is in power.

Q. I suppose you never get rid of party feeling as long as our Government is conducted as it is; and the same party feeling would prevail in a county election by the people as in the Government? A. Yes; I do not think you can very well eliminate that.

Q. But taking it for granted that that does obtain more or less, do you think that the responsibility attaching to the county council in making these appointments, where there are fifty of them, would be as great as in the case of the Government, where there are only seven members of the provincial executive? A. Well, it seems to me that the local people ought really to have the appointing of these officers.

Q. Don't you think that the more you increase the number of those having the appointing power the less the feeling of responsibility that attaches? A. Yes; I have no doubt of that at all; but it seems to me that when there is a vacancy for one of these offices tenders should be asked for; the matter should be advertised, saying that the position is vacant, and that a man is wanted to fill that position; one who is responsible and can give a guarantee, just the same as an insurance agent or clerk.

Q. You would treat it purely as a business matter? A. Yes.

Q. No government aspect to it at all? A. Yes.

Q. You would advertise, and get a man in the same way that you would employ some one to do a service for you? A. Yes; there should not be any difference at all. And the same thing applies to paying them; they should be paid according to the work they do. I do not see why there should be shorter hours for these people than are usual in ordinary business. Our clerks go to work at 8 o'clock in the morning, and work until 6 at night, and I see no reason why there should be any difference between a city clerk and a clerk in the registry office, or other offices of that kind. I do not see why there should be shorter hours for these people than for any one else. They should be paid according to the work they do, and paid a fixed salary.

Q. Would you put the sheriff in the same rank as the others, and not an officer of justice, who has to see to the peace and well-being of the community? A. Yes.

Q. You want a man who is independent of the people? A. Of course that is a very important position; the appointment of a sheriff requires a good deal of consideration.

Q. And if the appointment were made by the county council, for what length of time do you think it should be made? A. I would not limit the time as long as they did their duty. I do not believe in giving a man a position for a few years and then turning him out. I would do the same as any jobbing or wholesale house; as long as a man does his work I would keep him.

Q. Do you think the sheriff would act as independently then against the popular interests, as very often occurs, when there is a collision between popular opinion and some law, if he were the nominee of the city council as if he were appointed by the Government? A. Oh, I think so; I think even more so.

Q. Would not the sheriff reflect the opinion of the particular locality that appointed him; if he were appointed by the county council they would select a man who represented their way of thinking? A. I do not think that at all with the proper kind of man.

Q. You think he would act as independently and freely, with just the same sense of responsibility as if he were appointed by the central Government? A. Yes.

Q. Do you take the same view in regard to appointments made by the Dominion Government, such as postmasters? A. The same view exactly.

Q. The whole system of Government would be reduced to a business footing? A. Yes.

Q. So the Civil Service, taking it in its largest terms, would be put by you on the same footing as a business concern? A. Exactly.

Q. The same hours, and the whole of the system run as a private business? A. Exactly. I think there would be a good deal more work done, and the public would be much better served.

Q. That has never been tried anywhere yet? A. Well, I don't think so.

Q. I do not think they have struck on that in the United States? A. Of course, in the United States they have longer hours than in Canada.

Q. Perhaps in some cases, but I do not think the registrars' hours are any longer there? A. I am not so sure of that. But it is the general feeling of the country. I go around a good deal in the country and it is a prevailing feeling that public officers should be treated much the same as clerks in the employ of private houses, wholesale houses and ordinary business establishments. There really should not be any difference, you know; the public pay salaries, and there is no reason why they should be treated differently from anybody else as far as hours and salaries are concerned and the amount of work done. You take a head bookkeeper, he is paid in proportion to his position.

Q. How would you have the officers supervised; their responsibility fixed by supervision, and so on? A. I would have the work of all these officers thoroughly audited by a competent auditor.

Q. Appointed by whom? A. Well, an auditor such as we have here who audits the city books appointed by the council. They go over the books, and they are responsible to a certain extent, and the audit is correct and they get so much a year for doing it.

Q. If you heard any complaint of the way in which the work is being done by any of these officers, how would you have that investigated? A. I would have them investigated by a committee from the municipality.

Q. And treat them as purely local officers? A. Yes.

Q. You would leave out the Government element altogether? A. Yes.

Q. Do you think the business of the sheriffs and registrars, which applies in one point of view to the whole country at large, would be conducted with the same uniformity as to statistics and returns made if each municipality had the control of its own officer? A. Well, of course they would report the matter to the head office.

Q. What would be the head office? A. Well, of course there is a head-quarters in Toronto for the Province of Ontario.

Q. But then, how would you have it constituted to look after these municipal officers? A. I suppose the Provincial Government would have an inspector to inspect the whole matter over the heads of everybody else. The appointment is what I more particularly refer to.

Q. Government inspection could not cure defects; the inspector might point them out, but if the council did not choose to act the matter would go on? A. I don't think there would be any difference really between the way they would take the matter up and the way our local people would take it up; I don't think there would really be any difference.

Q. There is a generally settled policy in the way of conducting the business, in the way of registration. Registrations have to be uniform, so as to make the transfer of land, the proving of titles and the giving of evidence, and so on, uniform throughout the country. It is the same in the sheriff's office. The duties have to be performed in a certain way and returns made. Would you not be likely under the system you propose to have varying methods in the different counties? A. If you laid down this plan you would not have any variations. A uniform plan could be laid down.

Q. But each county is really separate in the management of its own business. Under your system the country would really be divided for governmental purposes into counties? A. Of course, I did not intend to go quite that far. What I say is, that the municipalities should appoint their own officers, but I do not want to change the whole system.

Q. But are these officers municipal officers, are they not state officers? The sheriff, for instance, he is not under our present system a municipal officer at all; he is an officer of the Government? A. Yes, of course; but he is just merely sheriff of the county.

Q. But he has to preserve the peace, which is the Queen's peace, of the whole community, the whole public, the whole of Canada in the proper conduct of affairs; that is not a county matter, it is something that has to do with the well-being of the whole community? A. Certainly.

Q. In that view the sheriff cannot be regarded as merely a municipal officer, he has wider duties and more responsibilities to deal with? A. Yes.

Q. If each county was a small island the sheriff might be a municipal officer, but when he is part of the whole system, representing as he does the Lieutenant-Governor, and having to carry out the orders of the court independent of councils altogether apart from municipal duties? A. Well, he might be, but how would you compare a registrar.

Q. Well, he is the one officer you municipalize with less detriment to the Constitution than any of the others? A. I would not want to change the present system, and if an officer cannot be appointed by the municipality, that is, if he is not amenable to that municipality alone, of course the Government should appoint an officer of that kind. I spoke more particularly of local officers of the county.

Q. The thing to start out with is to find out what is a local officer. That is a matter which the municipality should have the control of. I quite favor local self-government, but the thing is to find out the dividing line, whether these are municipal local officers or whether they are not officers of the State? A. Yes; of course in a case of that kind it puts a different complexion on it.

Q. Take the registration of deeds, suppose the people should decide to exchange the present system of registration for the Torrens system, as in Toronto, Manitoba and British Columbia, where the title is registered and the property passes just as you pass chattel property; suppose we intended to change the system that way, which is said to be more economic and more efficient, there would be very great difficulty in doing that if all the registrars were under the control of municipalities and not the Government? A. Yes, of course. Those are details that come up, that a person naturally does not think of.

Q. There is a great difference of opinion as to how you would have the most efficient officers appointed. Some say by election by the people, some by appointment by municipal councils, while others say they see no reason for disturbing the present system. Now, do you see, taking the present system as it is, any sufficient reason for making a change in any of those cases? A. Well, there seems to be a great amount of trouble very often in appointing officers when the places become vacant owing to deaths or other causes. For instance, our county registrarship here has not been filled yet. I have no doubt it is because so many parties want the position, and so much conflicting influence brought to bear that it occasions embarrassment.

Q. It was rather on the abstract proposition, assuming that appointments are made, is there any likelihood that it would better the class of appointment if the municipality appointed? A. Of course, that is hard to say, but the way we felt about it in all the municipalities was that we should have the appointment of these people locally.

Q. Have you any complaint here as to any of these officers, I speak more particularly of the county attorneys, clerks of the peace, and Division Court officers, fomenting litigation so as to make fees out of it? A. No; I think not.

Q. I think you said you would favor the appointment of county attorneys and clerks of the peace by the municipal council? A. No; I mentioned the Law Society or the judges.

Q. For the county attorneys? A. Yes.

Q. Because they have to do with the prosecution of criminals? A. Yes.

Q. Then as to the manner of remuneration, that is the next great branch of the enquiry? A. Well, I spoke of that before.

Q. First of all, should fees be collected for the services; that is, should the persons getting the services pay for them, should the revenue be derived from the individuals benefited, or would you make it a charge on the general community? A. I think the individuals directly benefited should pay for the information they want, but I think the county or cities should collect all the fees and pay the officer a salary.

Q. The officers should turn over the fees, you mean, and account for them; should turn them over to some general municipal fund? A. Yes.

Q. And that fund would be the source from which the remuneration would be paid? A. Yes.

Q. If it were sufficient; if it were insufficient how would you supplement it? A. Well, I don't know of any offices where it is insufficient, it usually affords a good revenue to the officer.

Q. Your idea would rather be to make these offices self-supporting, you think the fees would be sufficient to pay the salary and more? A. Yes.

Q. You would cut down the salaries so as to put them on a business footing? A. I certainly would. I would pay salaries according to the responsibilities and the length of hours that they worked.

Q. And I think you said you would invite tenders? A. Yes

Q. So that it would introduce the principle of competition in the application for the appointment? A. Yes.

Q. And I understand you would have to ascertain the amount that each office was worth by some process? A. Yes; on the basis of the salaries paid in business houses.

Q. Then you would extend the hours of work? A. I would at least make them from 9 o'clock until 5.

Q. The eight hours system is coming into vogue now? A. It is in England.

Q. But you think from 9 until 5 ? A. Those are the ordinary business hours, or rather business hours are from 9 until 6.

Q. That is eight working hours ? A. Yes.

Q Then of course you would get more work out of a man in those hours; and I suppose you would reduce the amount of assistance required under the present system ? A. Certainly.

Q. Would you apply that to the present officials, or only make that the law for all new appointments ? A. I would apply it at present.

Q. Would you change their pay and change their work ? A. Certainly. With the hard times we are having now, everybody has to put up with a reduction. Look at the railways and business houses, everybody is putting up with a reduction. The merchants themselves are not making four per cent. on their capital all through the country, and they are getting nothing for their own work at all. Everything is down.

Q. The same with farmers ? A. Yes; it is just as bad on farms.

Q. But you do not expect this to continue, though, I hope ? A. No; but it is a long time since we have had such a time as the present, such scarcity of money, and low prices.

Q. Well, we are better off than other countries ? A. Well of course we are not so badly off; if they would leave our tariff alone, things would not be in such an unsatisfactory state.

Q. Then would you provide a fixed salary for all the assistants required in each office ? You would ascertain the volume of work and have it fairly apportioned among the officers ? A. Yes.

Q. Would you leave the office in charge of the head man ? A. I would of course have a senior officer in all the departments, but I would not allow him to provide his assistants.

Q. Then you would have them provided ? A. I would have them appointed by the same body at a fixed salary.

Q. Of course that would be on the system of conducting a business ? A. Yes

Q. You would not put any responsibility on the head ? A. No more than for himself.

Q. At present the sheriff and registrar are liable for all the mistakes of their deputies; would you continue that ? A. Of course I would make his work such work that he would be responsible himself. For instance, a bookkeeper is responsible for his ledger, and for the making out of invoices.

Q. But take the registrars, where there is a man in his office who is copying a deed into a book, and he makes a mistake and puts the fourth concession instead of the fifth, and the document is registered wrong and the certificate is given, and owing to the mistake some money is lost. In that case the registrar can be called upon to make good this mistake, he would have to answer for the mistake of that copyist ? A. And so he ought. I would make him responsible.

Q. Although he had not the appointment of that copyist ? A. That is no affair of his at all. That is where a great deal of the trouble arises now. These

men want their own particular friends appointed, and want a large salary themselves, and they often appoint boys where they ought to have men. Make him responsible; of course, he has no detail work to do, but merely to overlook the work.

Q. If a sheriff seizes something wrongly, he is responsible; would you still continue that? A. Yes.

Q. Would not that be a hardship, if the sheriff had to be responsible for an error of judgment on the part of a bailiff, whom he should not have chosen himself; would that be fair? A. Well, I am not wanting to apply this to an outside matter such as a bailiff, I consider him totally different, but to men doing clerical work.

Q. Matters which we might assimilate with the common run of business, like a clerk, or ledgerkeeper, or bookkeeper. A. Yes; certainly.

Q. Then as to the inspection of these offices, do you approve of the present system of having the Government inspector? A. Oh, yes; there is no reason to change that.

Q. And then you would have these persons displaced in case the Government inspector reported unfavorably; you would have him dismissed or make him amend his ways? A. We handle matters of that kind very easily in a business house. If a man does not do his duty he is soon disposed of.

Q. On the report of the inspector the municipality would put the man out? A. I would have the report looked over by the municipality, by a committee, and the matter thoroughly investigated, and if the officer was wrong I would have him discharged.

Q. Then the power of discharge would rest with the municipality acting on the advice of the inspector? A. Yes.

Q. Then you spoke of the license commissioners, that they should be nominated by the county councils; what reason have you for that? Were they not elected before, and was not the change made at the instance of some municipality? A. Well, sometimes we make changes and are afterwards very glad to go back.

Q. Was not the reason that in some places the liquor law is unfavorably regarded, rightly or wrongly, and in such cases the municipal authorities would not carry out the law, but would wink at its evasion? In a case of that kind, is not it desirable to have officers who will enforce the law appointed by the Government that enacts the law, and not left to the peculiarities of local influences? I think that is a reason the change was made in the way of appointing the commissioners. A. The way the matter works now it gives an advantage that should not be given.

Q. That is quite true, but would not the same feelings and same influences obtain in county councils; the predominant party in the council would exercise the patronage? A. County councils are not so much affected in that way. I don't think I said that county councils should appoint these people, I think they should be elected by the people by popular vote, the same as our water commissioner, aldermen, or anybody else.

Q. Are not these license commissioners for the whole community? A. No; I think our license commissioners here are for the city.

Q. The city is a county for that purpose; in a county are not the license commissioners for the whole of that county? A. Yes; outside of the city.

Q. Then would there not be a practical difficulty there, at all events a very great likelihood of a difficulty, in electing license commissioners? What is the population of your county, 50,000 or 60,000? A. Yes, fully that, if not more. The population of the city here is about 35,000.

Q. Would there not be a practical difficulty in having the whole county elect license commissioners; how would you have the election conducted? Would not it be conducted on party lines; would not it inevitably be done on the same lines of party politics? A. Well, of course some people do vote that way.

Q. But take it at present now, if you were going to appoint license commissioners for the whole county. I don't know how it would work. The people would not nominate; I think the men who wanted the position would come forward just as members come forward for Parliament. A. Yes.

Q. They could not work their own election; they would have to get some machinery to have their merits brought before the public. Some machinery would have to be employed to advocate the claims of one man more than another? A. Well, in the city, for instance, you have a nomination day, you nominate your aldermen and water commissioners, and then, of course you could nominate your license commissioners.

Q. I quite agree with you that when you have small local municipalities of from 200 to 1,000 people you could get those people to deal intelligently, but the moment you get 60,000 people, all experience is that when you get such a large body as that you cannot have a proper choice, and the whole thing is worked from some central committee or caucus, and lists are made. It would be very expensive to have a separate election for license commissioners, and if they were elected at the same time as the members and other officers, would not it be almost certain that the same election machinery would be used in all cases? A. In nominating our aldermen, of course, we nominate those that present themselves very often. Sometimes we have a requisition to bring out certain individuals. The commissioners could be elected in the same way a mayor is elected, a vote in every ward for them, not a representation from any particular ward. For instance, if there are five or six running, well, every man that comes up to vote, wherever he votes he can vote for three commissioners. The same way in the county, wherever he votes he can vote for three commissioners. Then in the end you tote up and find who has the largest number of votes. You don't require any person for any particular ward or anything of that kind.

Q. Then contested elections might happen? A. It might.

Q. That might give rise to more expense and trouble a great deal? A. The expense would not be anything particular.

Q. I was thinking rather of contested elections; of re-elections in case of unfair means having been used? A. That always comes up.

Q. Is there any other matter you have not touched upon regarding which you have any suggestion to make? A. I would suggest that if the sheriffs continue to appoint the bailiffs it would be well for them to appoint a better class of men. Our experience in collecting accounts is that the bailiffs as a rule are very careless.

Q. Does not that refer to the Division Court? A. Yes.

Q. Well, the sheriff does not appoint them? A. Well, in the Division Court and sometimes in the County Court it applies in the same way. We have reason to believe that bailiffs have given the tip to persons against whom we had judgment to get certain goods out of the way so that we could not make a seizure.

Q. That is a matter for report to the inspector? A. Well, at all events, I would advise the sheriffs to appoint men who have a little regard for honor. A great deal of money is lost through people putting their goods out of reach, and we believe they have got information in that way.

WILLIAM F. BULLEN, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are manager of the Ontario Loan Company. A Yes.

Q. Have you had any municipal experience? A. I was township clerk about twenty-five years ago.

Q. And you know more or less about all these officers in this list here? A. I have myself been deputy Division Court clerk. Of course, I have come more particularly in contact with the registrars in connection with the business of my company.

Q. What do you say as to the way of appointing any or all of these officers? A. I think that all of the appointments, except the Division Court clerks and bailiffs should be in the hands of the Government. I think better men for the offices are got in that way. They are all very responsible positions which should be occupied by the best men; and I prefer the present system because I think we get better men that way. I do not approve of their being appointed by the councils; and as to the system of electing them by a vote of the people, I do not like that at all; I think it would be bad. The danger would be, I think, that the best men would not get the positions, there would be too much log-rolling if they were appointed by the council; and as to having them elected by the people, I think that is far worse. As to the Division Court clerks and bailiffs, I think the Government made a mistake when they took the appointment out of the hands of the judges. Those officers were more get-atable under the old system when they were appointed by the judges. I think there should be an inspection, and a report both to the Government and to the judge. As to the manner of remuneration, I think the present system is the best; I do not think it can be improved upon; that is, the officers collecting the fees and retaining them up to a certain amount, increasing subject to the business done. I think if the officers were paid in salary, some people might get work done in them for nothing. That is the tendency. If a man is paid according to the receipts of the office, the office will pay better. If he has no interest in it, and simply gets a salary, I think the receipts would fall off, and many of the offices would become a charge upon the Government. I think the fees are collected very promptly and faithfully for the services rendered where the officer has an interest; that is human nature. I think the officers, the registrars and all of them, should do something. I think in many cases they have not done so, but the work has all been thrown on the deputy, and the officers themselves have not done the work they should have done. I do

not think they should be engaged in any other employment outside of their office; they should be working officers the same as I am. As to the assistance required in the office, deputies or any clerks, I think if proper control of the clerks is to be maintained they should be appointed by the officers themselves, and not appointed by the Government; and they should be paid by the chief, not by the Government. I heard at one time that in the registry office here the registrar got about $7,000, and only paid his deputy four or five hundred dollars. I have not lately heard of any instances of that kind.

Q. Do you think that where that state of affairs exists it should be remedied? A. I think that public opinion is such now that it could not be done.

Q. Would you be in favor of any supervision by the inspector of the salaries paid to the assistants? A. I think I would leave it entirely with the officers themselves. I would give him the entire control, and hold him strictly responsible for the office.

Q. You would have the Division Court clerks and bailiffs appointed by the judge? A. Yes; with Government inspection; the inspector to report both to the Government and to the judge.

Q. And individuals having grievances could complain to the inspector as well as the judge? A. Yes; I have seen that system years ago, and I think it operated much better than the present system.

Q. What do you think is the disadvantage of the present system as compared with that? A. Well, they are not so easily come-atable; it is very difficult to get at them. Before, all you had to do was to make enquiry of the judge. I had that experience when I was acting as deputy Division Court clerk.

Q. Is not the inspector put in motion now if any grievance is mentioned? A. I do not know now myself, but at all events he is not so easily come-atable as the judge.

Q. What complaints have you in mind that are made? A. Overcharges and perhaps delays; unnecessary delays. It is difficult to get satisfaction unless there is a person on the spot to deal with them. As to extending the area of the Division Courts, that would increase the cost of litigation, it would increase the mileage. The Division Court is the poor man's court, and should be brought as near to him as possible.

Q. Do you think it would be advisable to pay these Division Court clerks and bailiffs salaries instead of fees? A. I think not; it would be difficult, because they vary so much. In some divisions the area is larger than in others and the business varies, and I do not see how you could arrive at the proper sum to pay them.

Q They do other work? A. Yes; they could not live at all unless they did; necessarily they do engage in other work.

Q. You speak of places where the offices are large enough to give a fair living salary when you say that the officers should confine themselves to the duties of their office? A. Yes.

Q. I suppose all these other offices would give a fair living salary? A. Yes; all except the Division Court clerks and bailiffs.

Q. What average salary would you pay to registrars and sheriffs, after which they should account to the county? A. That is a question upon which I could hardly give an opinion. Some of the registrars are paid too little, and a few of the larger ones too much. You would have to deal with each case on its own merits; I do not think you could apply the same scale to all.

Q. You must have a variety of salaries, according to the place, the amount of work and responsibility? A. Yes. I think the returns from the registry offices are falling off from year to year.

Q. There is less dealing in lands? A. Yes; and this new law regarding the registry of mortgages, the short form, is cutting the fees down very much.

Q. How would you regard these officers in point of importance; which of the officers has the heaviest responsibility and which of them should have the larger compensation? A. I am not familiar enough with the duties of many of these officers, but at the same time I think they all, with the exception of the Division Court clerks and bailiffs, occupy a very responsible position. The sheriff perhaps has the heaviest responsibilities.

Q. Well, on the whole, I understand you to say that you approve of the present system of appointment, compensation and inspection by the Government? A. In the case of all except the Division Court clerks and bailiffs, who, as I said before, should be appointed by the judges and inspected by a Government inspector who would report both to the Government and to the judges.

Q. Many of the judges themselves, Judge Kingsmill, for instance, was of your opinion at the time the change was made and thought that the appointment should be left in the hands of the judges, but his view has been altered now, and he thinks that the present system of inspection is so complete that persons who make complaints have them attended to at once, and it takes an unpleasant duty off the hands of the county judge? A. Well, I think they would be more amenable that way. Of course, a judge ought to know better than I.

Q. Do you think if these offices, or any of them, were turned over to the municipalities to make the appointments and have the control of them that the public would be as well served as now? A. I do not think they would, sir, I don't think you would get anything like as good a class of men. As a rule these officers are good officers.

Q. You believe then that the Government recognizes the responsibility and discharges it to a greater extent than the municipality would? A. I think so; I think the Government should have the responsibility, not the municipality.

Q. Is that the line of division, these being regarded merely as local and not as provincial officers? A. Yes; I think it would be the greatest mistake if the appointments were given into the hands of the county council.

Mr. Brooks: Q. Don't you think, sir, they would be as capable of judging of the ability and fitness of men for these positions as the Government? A. I do not think so; I do not think they would appoint as good men. County councils are composed of good men, who are careful and economical, but I think they sometimes carry their economy a little too far, and I think they would if they had the control of these offices. They are far better than our city men who are sometimes managing city affairs; but in regard to these offices I am afraid they would carry their economy too far.

Q. Do you think the officers are now appointed on account of their fitness? A. Well, no; that is the weak point, but still I think they manage to get good men.

Q. Does it not appear sometimes that men are appointed to these positions as a reward for party services? A. Yes; that is the case as a rule; I think from my experience very nearly every one of the appointments has been a good one for all that.

Mr. HOBSON: Q. In the case of the appointments being made by the county councils do not you think that sectional feeling would enter into it somewhat? A. When they are electing the reeve they let politics interfere and sectional feeling as well.

Mr. BROOKS: Q. The party lines are not drawn so closely in county councils as among politicians? A. No; but I notice here that they follow them pretty closely. I think the county council manages its affairs far better than the city council manages its affairs. I think a better class of men are returned to the county council.

The CHAIRMAN: Q. There is a more irresponsible element returned in the city; in the country a larger part of the voters have a stake in the community? A. Yes.

Mr. HOBSON: Q. Has not this also to be considered, that when a man goes into a county council he has generally had a good deal of previous experience of the working of the township municipality? A. Yes.

Q. While in the city they often go into the council directly from the store or workshop? A. Yes; there is no comparison between the two classes in my opinion.

The CHAIRMAN: Q. The city work would be better in the hands of commissioners? A. Yes; but in the counties it is better left in the hands of the people as it is. I think that the future government of cities is a problem that has to be solved.

Q. They are all drifting to that view in the United States, where they have had very bad forms of city government? A. I think it is the only system.

Mr. ROBINSON: Q. Regarding the payment of these bailiffs, you would have them paid by fees? A. Just the same as now.

Q. Have the bailiffs, to your knowledge, in any way abused their office? A. I know it has been done in years gone by, but I don't know how it is now.

The CHAIRMAN: Q. Don't people know pretty well now after all the experience they have had what the correct charges are? A. They do pretty well, of course there are some ignorant people who do not know.

Q. I suppose there are always some men whom you have to protect against themselves? A. Yes, in everything.

Mr. ROBINSON: Q. How was the system changed? A. I forget how it was.

Q. In your time the judge had the appointment? A. Yes; of the bailiffs and clerks of the Division Courts, and if a man had a complaint regarding an overcharge it was made to the judge at once. There were no inspectors at that time. I think the appointing of inspectors was a good thing.

Q. You have no complaint to make as to the fees charged in the registry office? A. No.

The CHAIRMAN: Q. Or as to the service? A. No. Well, there are some offices that are very slow.

Q. Is that owing to having insufficient help? A. Their work is always behind.

Q. Well, is that owing to insufficent help? A. I don't know, but I know a man that borrowed some money from us to buy property in the States, through the neglect of the registrar, very nearly lost his deposit owing to the registrar not registering the documents at once and returning them.

Mr. ROBINSON: Q. Have you heard any complaints at all in regard to the system at present in vogue? A. Of course, you hear complaints from some of the farmers about it, they think the county council ought to have the appointment. They naturally think that. Many of them probably are not aware of what are the responsibilities of the position, particularly the registrar.

The CHAIRMAN: Q. The registrar is not really paid by people in the county so much as by people outside, or rather the fees do not come so much from the population perhaps, how do you find that? A. Well, it comes from the people, sir.

Q. In the county? A. Yes; it relates to their land and it is the usual thing for them to pay the fees.

Q. Is not the system of borrowing and turning over and taking mortgages chiefly in the hands of companies? A. Yes; but the fees are paid by the borrower in every instance.

Mr. HOBSON: Q. Still, that would not constitute them county officers? A. Oh, no.

Q. Except in so far as the municipality pays for helping to keep up the office? A. Yes. It seems to me that the charge for searches for executions in the sheriff's office is a rather excessive charge; I think it is $1 05 for the first name, and supposing there are three or four it is sixty-five cents, it struck me as an excessively high charge. It was raised some short time ago.

Q. The charge for a search in the registry office is twenty-five cents? A. I don't know what it is. But you take that charge I speak of; if there were two or three names you have to search against it costs $1.05 for one name and then I think sixty-five cents.

Q. What do you think it should be, then? A. Well, of course, there is the responsibility; the sheriff gives a certificate. I think the old charge was seventy-five cents, and I think that is plenty high enough. The charge is enormous now if you have to search against three or four people.

Mr. ROBINSON: Q. The borrower has to pay that? A. Yes; all these things come out of the borrower; even where the loan is from abroad, it comes out of the borrower in some form.

The CHAIRMAN: Q. The true system if it could be carried out would be to have these registry offices just self-supporting and no more? A. Yes; but you cannot do that.

Mr. ROBINSON: Q. It has varied a great deal in your time? A. Enormously.

The CHAIRMAN: Q. Do you think it advisable when there is a large territory to divide the offices instead of having one, for the sake of expedition in the work? A. Well, I think it is, so long as they do not make it too small. In some places they are too small to pay a man sufficiently.

Q. Where the volume of the work is large and sufficient to cover two offices you think the public is better served by dividing? A. It depends on whether it is in the city or in the county. In the city it might all be done in one office, but in a large county people have to travel so far. That reason does not exist in the city, because they can get plenty of help, all that is necessary to have the work done.

D. R. VANALLEN, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Are you at present in any municipal office? A. I am not at present in any municipal office, but I have filled all the offices from school trustee up to mayor of this town.

Q. And in the county, have you ever been a reeve in the townships? A. Yes, sir.

Q. You have a list of those questions. What do you say as to the manner of appointing any or all of these officers? A. I have just prepared answers to those questions, which I will read to you? As to the first question, I think no other local official than those named need be considered. I certainly do approve of the appointment of all those officers remaining in the hands of the Provincial Government, the appointment being for life during good behavior of the appointee.

Q That is the present? A. Yes, sir.

Q. Why do you prefer appointment by the Government instead of by the county council choosing or the people electing any of these officers? A. I think as a general thing more efficient people will be appointed.

Q. Does your experience in municipal elections and the choosing of officers by the council lead you to believe that the executive of the Government would be more likely to appoint proper and efficient persons than if it were left to the municipality? A. Yes, sir; I do indeed believe so.

Q. Then, as to the payment, perhaps you will go on? A. I disapprove of any of them being paid by fees. I believe in a man being paid a salary commensurate to his duties and the responsibility of his office, and he should earn his salary by performing his duties himself. Any necessary assistance he may require could be paid for out of the funds derived from the fees collectible by law for his services, and any surplus of such funds after paying these fees to go to the local municipality.

Q. The fees to be collected and salaries to be paid out of the fees? A. Yes.

Q. And the surplus turned over to the municipality? A. Yes.

Q. Would you leave the appointment of the assistants in the hands of the chief officer, or would you have them appointed by some other authority? Take

the deputy or clerk of the registrar and sheriff, would you leave the control of the office in the hands of the head officer ? A. Well, I don't know.

Q. Perhaps you have not thought out that detail ? A. No ; I have not.

Q. What do you say as to Division Court clerks and bailiffs, do you think they should get salaries ? A. Yes.

Q. Fixed, having some regard to the fees ? A. Yes.

Q. Those officers would not get enough out of their salaries to give them a living ? A. In answer to question 5 I say if the fees are found insufficient to pay salaries I would abolish the office or combine it with some other, but I would neither make the salaries a charge upon the province nor the municipality. In other words, if the office does not support itself it should not exist in my opinion.

Q. As to Division Court clerks and bailiffs, would you be in favor of making the divisions larger ? A. I am not sufficiently conversant with the matter to be able to give an opinion ; I have had very little to do with anything of that kind.

Q. You would have these officers attend to their duties themselves and devote their whole time to it without any other employment ? A. Yes.

Q. I suppose you would except from that the Division Court bailiffs ; I think they all have to do different things besides being bailiffs ? A. Well, if he could.

Q. I suppose you mean where the fees would afford a sufficient salary ? A. Yes ; I could not object to his doing something else if the fees were not sufficient to give him a living.

Q. Where the fees are sufficient to give a living salary you think the man should devote himself entirely to that work ? A. Yes. Then to the sixth question I can only say further that I am not sufficiently conversant with the duties of those officers to indicate the salaries.

Q. Are there any of those officers of whom you know sufficient to be able to give an opinion as to what salary they should receive ? A. No ; I could not.

Q. I suppose you have answered about everything ; have you any other answers there ? A. No,

Q. Then, number 10, have you any suggestions there ? A. In answer to question 8 I may say I am decidedly opposed to the idea of electing any of these officers by the people ; that is, under our excellent system of responsible government the election of their representatives in the Dominion Parliament, the Local Legislature and the various municipal councils is all the people should be called upon to do.

Q. You favor the representative system ? A. Yes, sir.

Q. And then as to question 9 ? A. My answer to that is contained in the answer to question 2.

Q. That is, you approve of the present system of public inspection ? A. Yes. In answer to question 10 I say that my business has so absorbed my time that I am not conversant with the duties of several of the officers named, and am not prepared to offer any facts or suggestions not embraced in the foregoing questions.

Q. What is your business? A. I am president and manager of a hardwood lumber manufacturing company, the Chatham Manufacturing Company, who manufacture hardwood, lumber and wagons.

Mr. ROBINSON: Q. Some time ago you were mayor? A. Yes, sir; I think it was in about 1864. I have lived in this town over sixty years.

Q. You have seen the system of municipal government grow from its beginning up to its present time? A. Yes.

Q. Are you satisfied with the way it has developed? A. Yes; as a general thing.

Q. Have you heard any complaints of the present system to amount to anything? A. I do not think I have.

Q. Why do you prefer the salary plan to fees? A. Well, I think there is always liability, where fees are collectable, to abuses, making work perhaps where it is not necessary for the sake of the fees and that sort of thing.

Q. In the case of registrars, do you approve of the present system by which they get up to a certain amount and then turn over the remainder with a percentage, or do you prefer a fixed salary and then turn over everything above that? A. Yes; a fixed salary.

Q. So that they get nothing more than a salary? A. Yes, sir.

Mr. MASON: Q. I understood you to say you approved of the turning over of the surplus to the municipality? A. Yes.

Q. Would you approve of that where the Government pay a proportion of the expense of the administration of justice, as in the case of the sheriff, for instance? Would you be in favor of the surplus there going to the municipality, or only a portion to the municipality and a portion to the Government? A. Well, I said that I thought the salaries of these officers should not be a charge upon either.

Q. You approve of collecting fees? A. Yes.

Q. With regard to some of the officers, a portion of the salaries are paid by the Provincial Government; would you consider that in those cases the surplus should all go to the municipality, or part to the municipality and part to the Government? A. I am not informed as to how any of these people are paid.

Q. You don't know that? A. No.

Q. But assuming that to be the case, what would your opinion be? A. Assuming that to be the case I think the fees should be divided.

Q. And you think that these officers would be as much inclined to be active in the discharge of their duties if paid by salary as if to a certain extent the fees chargeable had some part in it? A. Yes, I do think so; they would do their duty.

DR. FLEMING, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You have lived in this county for some time? A. Yes; 24 years.

Q. And you are well acquainted with the municipal system? A. Yes.

Q. And have you some knowledge of the officers with whom we are dealing now? A. Yes.

Q. What are your views regarding the manner of appointing these officers? A. My view is that the present method of appointment is probably the most efficient that we can have. I think it is better than having them appointed by the council, or letting the people choose them. If they were appointed by the county council it is my opinion that political feeling would enter into it even more than it does now under the system of government appointment. The reason of that is that the party who is after the appointment always gets the council divided on the matter politically, and probably gets the position through that means, irrespective of qualification. In the case of election by popular vote, the man who is most popular, irrespective of his executive ability, would probably get the position, and I also think that system would lead to a good deal of corruption in the buying of votes. The Government is a responsible body, and they are more likely to consider the matter carefully, and to select proper persons.

Q. The Government acts are more exposed to the eye of the public, and hence much more conspicuous than any local body's acts would be? A. Yes. The Government is a smaller body than the county council, and more permanent, and more likely to feel their responsibility.

Q. Then what is your opinion as to the manner of paying the officers? A. I do not see that any better plan than the fee system can be suggested.

Q. Then as to the manner of dealing with the fees; would you allow the officer to retain all the fees no matter how large the amount may be? A. I think the plan at present adopted meets the case as well as anything that could be suggested.

Q. Giving him a living allowance, the fees over and above that being funded, and the officer having a percentage on that? A. Yes.

Q. Why do you favor fees instead of the salary system? A. Simply because under the fee system the person who receives the benefit of the services is the one who pays for them.

Q. Do you practice in the town? A. Yes.

Q. And have you a country practice? A. I go into the country a good deal.

Q. In making your rounds have you come in contact with any people who complain of the way in which business is conducted in the Division Court? A. No.

Q. Or who make any complaints as to the official system at all? A. No. Of course, in times of political activity the parties are discussing and finding fault, but outside of that I never hear anything disparaging to the present system.

Q. Nothing that you have any reason to think is well founded? A No.

Q. Is there anything further upon which you would like to speak? A. There is another class of officials who have been spoken of, that is the license commissioners. In my opinion the present system of appointment by the Government of these officials is the best we have had. Before that system was inaugurated,

we had in our town here some forty-five shops and hotels. At the present time they have been reduced to fourteen. The work is in the hands of better men and is better done by them. I think at the same time that in making the appointments of commissioners due care should be exercised to avoid placing on the commission men whose business would suggest the idea of their having trade relations with the hotel men. That gives the hotel men a leverage on them which it is better they should not have. We have tried here as much as possible to avoid that, by putting on men who are perfectly independent of the hotel-keepers.

Q. Have you any knowledge as to the manner in which election of officers is carried on in the United States? A. Only a passing knowledge. I do not think their system produces as good results as ours. When a man gets an office there he tries to make all he can out of it, because he knows he will not likely hold it very long.

Q. The license commissioners work without compensation, do they not? A. Yes.

WILLIAM DOUGLAS, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows :

The CHAIRMAN: Q. You are the clerk of the peace and county attorney? A. Yes ; I have been for twenty-six or twenty-seven years.

Q. Have you ever occupied any municipal position? A. No ; I have never aspired to any municipal honors.

Q. Will you tell me shortly what are the important duties pertaining to your office, as there seems to be a great deal of misapprehension generally regarding such duties? A. As clerk of the peace there is looking after the voters' lists ; I look upon that as one of the important duties of the clerk of the peace. There is also the jurors' lists, and the selection of jurors and appointment of constables.

Q. That is the voters' list for the Provincial Parliament? A. Yes.

Q. Any for the Dominion? A. No; formerly there was, but it is not so now.

Q. Then you have to attend to the criminal business of the county? A. Yes ; all the criminal business is attended to in the county crown attorney's office. We have to prepare cases for the assizes, and also to look after preliminary prosecutions and trials before the magistrates under the new code, which is very important. There has really been a great change in that respect. Now the magistrates, as I dare say you have observed, when a preliminary investigation takes place have practically to try the prisoner in the first instance. Evidence may be given upon both sides, and someone must attend there to prosecute.

Q. You are in a sense the public prosecutor even in the preliminary court? A. Yes; and then of course in the county judge's court, and before the police magistrates, who have the same jurisdiction as the general sessions whenever anyone chooses to be tried before them, the county attorney has to attend to prosecute the case, and all prosecutions at the sessions.

Q. In criminal trials without a jury, you conduct the case throughout? A. Yes.

Q. And even in the superior court you may have to do that? A. Yes; it may have to be done.

Q. If there is no other Crown counsel intervening? A. Yes; those are some of the duties in connection with the county attorney's office. The county crown attorney has also to look after the payment of crown witnesses at assizes; and that is rather important, as it amounts to a good many hundred dollars in the course of the year.

Q. Would you be in favor of having a salary attached to that office, or do you prefer payment by fees? A. Well, I do not think it is possible to fairly remunerate a man by salary; it would be difficult to fix the salary for each county.

Q. It would be difficult to fix an amount of salary which would be applicable to all counties? A. Yes; for instance, the county crown attorney in Middlesex or Wentworth would have much more extensive duties to perform than the county attorney at L'Orignal, or perhaps even in the county of Kent. It would be very unfair in those cases where a man has to devote his whole time perhaps to his duties that he should only get the same salary as one who only has to devote a few hours daily.

Q. Have you time for private practice in addition to performing your duties here? A. I always have had.

Q. Would it be possible to group the counties so as to give the entire work to one man, making him the public prosecutor for a group of counties, and not allowing him to have any private practice? A. I am afraid a difficulty would arise with regard to that. Necessarily you require to have someone in a local centre to whom complaints can be made.

Q. There is some agitation for the abolition of the grand jury system, and the substitution of a prosecuting officer. I was just considering whether the county attorneys would be able to fill the position of prosecuting officer? A. I am not at all sure but what you have suggested something that has a great deal in it, though I have never thought much about it. One thing is that our magistrates at present are not very highly educated, and therefore you have to have someone in local districts to assist them.

Q. You have to advise and counsel the magistrates? A. Yes; either by letter or otherwise.

Q. Is that without charge? A. Yes.

Q. Do they avail themselves of that very largely? A. More largely than one would really imagine.

Q. It has been suggested that the office of the county attorney is peculiarly one suitable to be paid by salary in order to prevent the possibility of cases being unnecessarily brought before the grand jury for the purpose of increasing the fees? A. Of course, there may be something in that; but there is always the difficulty of dealing fairly with different men in different counties, the volume of whose work necessarily varies.

Q. You would have to take each county on its own footing, you could not have a general rule? A. No; you could not. I have commuted my salary as clerk of the peace with the county council, in order to avoid having to put down every little item. They pay me $1,000 a year for my services, payable by the county as clerk of the peace. That leaves the question between the Government and myself at large.

Q. Is that commutation with the council under the authority of any statute? A. Yes; there was a statute authorizing that passed about seven years ago, I think.

Mr. ROBINSON: Q. Is that subject to rearrangement? A. It is open to either me or them to reopen it at any time.

The CHAIRMAN: Q. Do you know if that arrangement has been taken advantage of generally by county attorneys? A. I think it has been in the counties of Essex and Lambton. I think Mr. Buck gets $1,200 a year. I think they paid Mr. McDonald $900 or $1,000 or something like that. I do not think the clerk of the peace in Middlesex has commuted, and I am not sure about the county of Elgin; but I think in a good many counties it has been adopted.

Q. Are your duties as clerk of the peace entirely of a criminal character? A. No.

Q. But your duties are all quite outside of the ordinary municipal work of the county? A. Yes.

Q. Have you heard any complaints regarding Division Court clerks and bailiffs, as to the manner in which they discharge their duties, as to their extorting fees or misleading people? A. I have not. I think that as a rule our Division Court clerks and bailiffs in this county are exceptionally good men.

JOHN MERCER, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. How long have you held your position? A. I have been sheriff of this county since 1853; was deputy commencing 1840, under Mr. Foott, who was sheriff in the western district.

Q. That is before sheriffs belonged to counties? A. Yes; prior to 1851.

Q. How many registry offices were there in the district then? A. Two; Sandwich for Essex, and Chatham for Kent, which included Lambton.

Q. And you have seen the municipal system grow up under your eye? A. Yes. We do more in this county in one month than we did in a year in the three counties of Kent, Essex and Lambton, which formed the western district.

Q. What do you say as to the manner in which these officers should be appointed? A. I see no other way than the present way. I have thought of it a great deal, and I cannot see any other satisfactory way of appointment.

Q. What objection have you to the people electing the officers or the municipal council appointing them? A. I should be very sorry to see either of those systems in use.

Q. What harm would result? A. I think it would be a party question altogether, and I would be very sorry to see it; I would like to see more in the hands of the Government. Look at our court house and jail the way they are heated by box stoves, with sticks of timber four feet long. That is the way the county council does things.

Q. The county council looks after the jail? A. Yes.

Q. And they are satisfied with it that way? A. They will not alter it; they are satisfied with it. The grand jurors have referred to it at almost every assize, but they will not do anything.

Q. Have you been held responsible or been involved in litigation over mistakes that have occurred in your office at all? A. Very little indeed.

Q. The responsibility of the sheriffs is great, is it not? A. Yes, it is.

Q. Do you think it is greater than that of any of the other officers? A. I think that the sheriff's is the very hardest office, because we have so much responsibility. There is a great deal of the fees in connection with our office that we never receive at all; the sheriff's salary does not now show what the net is at all. Now, in the registry office they need not give up a deed until they get their money.

Q. You mean that you cannot collect your fees? A. Yes. We have thirty-five lawyers in this county town alone, and there is a large proportion of them who never pay anything.

Mr. ROBINSON: Q. Why do you give them the documents, writs and things? A. We are obliged to do the work. Suppose I go to arrest a man, if we cannot find him we don't get anything, and if we do, and the solicitor is not good, the sheriff has to wait for his money.

Q. Under the American system the officer is not obliged to act until he gets his fee? A. We are obliged to here. We serve writs and papers, and if they do not pay us that is the last of it.

Q. You render a great many services for which you do not get anything? A. Yes. It would be a very nice thing, if we had a salary, to sit and swing our legs and let the plaintiff whistle for his money.

Q. You do not think there would be such efficient service? A. It would be impossible in the sheriff's office. I have thought the matter over for thirty years and talked of it with men like myself, and I cannot see any other way than the present way.

Q. Has there been any agitation here about these appointments? A. No; I never heard a word. I have only seen what is in the papers politically.

Q. There is no widespread grievance? A. No.

Q. Are the municipal councils hankering after the power to make these appointments? A. Well, if they had the appointments it would not be satisfactory.

Q. Do you think they are hankering after it? A. I think they are. I have offered to give up the hanging. I think the warden of the county ought to have the hanging, but they don't want that.

Q. You have not had many of those? A. We have only had one in this county. I superintended the hanging of two men in the county of Essex in my time who were innocent.

Q. Then as to the way of payment, do you think the fees should all go to the officer? You have spoken of salaries, how do you think the registrars and others should deal with the fees, do you think they should account for them after a certain amount? A. Well, I don't know. I suppose if there is a surplus some should go to the municipality and some to the Government. They both pay some. There has never been any surplus in my county. I have been very fortunate as sheriff; I have been fifty-four years manager of a sheriff's office and I

have never lost a prisoner, and I never had an action against me for malfeasance, and I never sued a man in my life.

Q. How do you think the deputies should be appointed? A. I should think by the man holding the office. I have never had a deputy. I do my own work.

Q. Do you work beyond the office hours fixed by the statute? A. I always open our office at 9 o'clock, although the statute says 10. We never stand upon hours.

Q. And do you work later than office hours? A. We generally remain till about 5 o'clock, and then we shut up our office. If we had a salary, you know, we would close the very moment the clock struck four and away we would go.

Q. Do you know anything about the system in the United States in regard to these officers? A. I know the sheriff is paid by fees the same as here. I know the sheriffs have told me that a man goes there for four years, and if he does not clear $20,000 or $30,000 the office is not worth having. I knew a man in Detroit a good many years ago. I think he was what is called comptroller of the city. His salary was $1,000 a year, and yet he paid $5,000 a year rent for a house, so that you see his emoluments must have been pretty good. There they go in to make all they can during the time they are in office.

Q. I understand the State of Michigan is notorious for very low salaries? A. Yes; but then the perquisites are terrific.

Q. Well, the officers there are generally paid by salary, are they not? A. The sheriff is paid by fees.

Q. And the registrar? A. He is paid a salary, but then his perquisites are something terrific.

ARCHIBALD BELL, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You have been county judge how long? A. Nearly sixteen years.

Q. Were you in municipal life at all before becoming judge? A. Yes; I have acted as counsel frequently.

Q. And you have been in this county how long? A. Twenty-four years.

Q. You have had a list, perhaps, of these officers, you know the questions that are asked? Yes; I have had a list.

Q. As regards registrars of deeds and local masters? A. I would say that all the officers down to the two last, the Division Court clerks and bailiffs, who at the time I was appointed were appointed by the judges, should be appointed, as they are now, by the Government. As to the last two, I am not prepared to say that they should not be appointed by the Government. I think the appointment is better in the judge's hands. I do not hesitate to say that the judge knows more about the way in which these people conduct themselves than any Government can do.

Q. Have you any reason for thinking that a change would be beneficial in the appointment of those two? A. No; not for the province at large, because the power has been so often abused I am not prepared to advocate a change.

Q. Have you yourself heard any complaints about Division Court bailiffs in this county? A. Yes.

Q. What is the nature of the complaint? A. I heard of one particular case where a bailiff neglected his duty and I suspended him and reported the case to the Government and the Government asked him to resign, and another appointment was made, which was quite satisfactory.

Q. Is that the only case? A. Yes.

Q. Have you heard of any cases of so-called extortion of fees or fomentation of litigation? A. No; I have heard of no such case.

Q. There is an obvious remedy? A. If such a case were brought before me I would at once make inquiry, and if it was well founded I would suspend the bailiff.

Q. There is a remedy? A. Yes; and a very rapid one. In the case I speak of, when I heard of the complaint I had it put in writing, and as soon as I ascertained there was a prima facie case made out I suspended the bailiff and the remedy was instant. He never did another stroke of work because he sent in his resignation and a good man was appointed.

Q. Why do you think the appointments of the other officers should be made by the Government? A. I think that county councils are so often governed by what we may call log-rolling that appointments made by them are generally undesirable. I base that to some extent upon experience. The county treasurer here, the late county treasurer, was remiss, and through him the county lost many thousand dollars. He was appointed by the county council, and although the matter was brought to their attention they retained him in office, and the same thing took place in the county of Essex.

Q. What would you say of election by the people? A. I think it would be preferable to appointment by the council, but it is very objectionable.

Q. Would it be feasible in a large county to have anything like a selection of a good man? A. It would be mere chance. The people at large could not know who was a good man and who was not.

Q. If you have a small area a good selection may be made, but where there are thousands can they possibly exercise any intelligent choice? A. No. It is a mere haphazard thing, and the chances are very much against a good man, because the men who try to get it would often be those most unfit for it—popular men.

Q. You have many reasons against the change and none in favor of it? A. It would be a retrograde step to change from the present appointing power.

Q. Then as to the compensation of these officers, as to the manner of paying them? A. I think they should be paid by fees until the salary reaches a reasonable amount. I have not seen the proposed scheme introduced at the present session of the Legislature.

Q. But do you approve of the general principle? A. Yes, entirely.

Q. What advantage do you think it has as compared with payment by salary pure and simple? A. I think the sheriff, for instance, naturally gives more attention to his duties if his salary is to some extent dependent upon his diligence, as it is of course in the case of the fees. That is perhaps a very strong reason that he would attend to his duties better.

Q. Then, as to the local masters, do you favor the payment of fees or salary to them? Well, I understand that local masters now commute their fees; that has been done in some cases; here, for example.

Q. Many of the local masters are also the county judges? A. Yes.

Q. That is purely a judicial office? A. Yes.

Q. What do you say about the general principle in such cases? A. I think the present practice is very good. I think they should be paid by fees, and if the Government see fit to commute them, as they do now, the average of the previous five years is a very reasonable way of getting at the commutation.

Q. Then as to the registrars of Surrogate Courts; they are generally the clerks of the County Courts? A. Almost invariably.

Q. They are paid by fees? A. Yes.

Q. Do they turn over the surplus also? A. Well, I am not prepared to say; I have not seen the new Act.

Q. But that principle would apply to them? A. Yes; it would apply.

Q. The county attorneys and clerks of the peace, do you favor them receiving fees or a salary? A. I think that the fees is the best system even there. They also have the power to commute.

Q. Have you heard in any of the counties of any fostering of cases in order to increase the fees? A. I have heard it stated, but I have never had the slightest reason to suppose it was so.

Q. The suggestion has been made that it would be well to pay them by salary so there would be no temptation to that? A. I have never known it to be done.

Q. The county attorney and clerk of the peace in Kent, for instance, do his duties occupy the whole of his time or has he outside work? A. They have outside practice, I think, in all cases as far as I know.

Q. With regard to Division Court clerks and bailiffs do you favor the division of the counties into small territories as now, or would you have larger areas for Division Courts? A. Well, in the county of Kent they are not too small. We have seven divisions in this county, and the public interest requires seven. As a rule where there is a commercial centre there should be a Division Court. Where there are no small commercial centres a larger tract could be brought into the division.

Q. The expense would increase with a larger division; the mileage? A. Yes; but that would be very little. The amount of litigation outside of what arises in commercial centres is very little. Farmers do not often go to law between themselves. Half the law-suits in the Division Court in Chatham arise out of contracts made in the town and the same would apply to the surrounding towns in the county. And then the mileage at best in this county, I suppose a man never needs to travel outside of his own division ten miles on the average.

Mr. ROBINSON: Q. It would increase the expenses? A. Yes, very slightly the mileage would be a little more if the places were fewer.

The CHAIRMAN: Q. Is there any other matter about which we have not asked you in regard to which you can state anything that would assist us in our inquiry? A. Well, you have not asked me about the salaries.

Q. That is the amount? A. Yes. As to that I am not positive. I think a registrar occupies a very important position, and where the fees warrant it I do not think two thousand dollars is an excessive salary.

Q. For the officer himself? A. Yes.

Q. He devoting his whole time to the work? A. Yes. For the sheriff I would give $2,500 as a minimum where the fees would warrant that much.

Q. Well, they don't get that? A. I don't know; of course some of them do, you know.

Mr. ROBINSON: Q. Do they confine their attention to the business? A. They do entirely in this county.

The CHAIRMAN: Q. Then as to the assistance they require? A. Well, I think that should be exclusively in their own hands, they becoming responsible for the acts of their assistants.

Q. They are responsible now? A. Yes. I do not think there should be any interference with their employing their own deputies; it is in their own interest to get a good, efficient man, or otherwise they will become subject to actions. To my knowledge registrars here and there throughout the province have had occasionally to pay considerable sums from mistakes made in the performance of their duties.

Q. Is there any judicial aspect to the office of the registrar; is there anything judicial about the character of his duties? Not necessarily. Of course, they must have a knowledge of how to properly register a deed on a lot, or how to trace up a description, and if through any mistake of theirs in that respect an innocent purchaser is injured I presume they are liable in law.

Q. One of the registrars has said that judgment was required in regard to the execution of deeds by five or six parties who do not all execute. They should all execute. Perhaps that is not exactly judicial skill, but it requires care and attention and knowledge on the part of the officer? A. That is all.

Q. But not any special professional skill? A. I would not think any special professional skill is needed, but it is difficult to be a good registrar without having a knowledge of real property law and of conveyancing.

Q. And a touch of the surveyor? A. Yes; they require all three.

Mr. ROBINSON: Q. A man appointed by the county council would not be as conversant with the necessary details in the registry office? A. They might select a suitable man, but the surrounding influences are such that it would certainly be the exception and not the rule.

The CHAIRMAN: Q. You do not think the experiment is worth trying? A. I would regard it as a very serious retrograde step.

Mr. ROBINSON: Q. Would you favor any system of promotion from deputy to chief? A. No; I would not, that should be entirely in the hands of the

Government. If the office becomes vacant the Government should consider whether, under the whole circumstances, the deputy should be appointed, otherwise there would be always a possibility of the deputy attempting to supplant the chief.

Q. You have travelled in the United States? A. Yes.

Q. Have you observed the workings of the system there? A. No; except a little in Michigan. I do not approve of their system in Michigan.

Q. Have you heard complaints there as to the frequent voting being embarrassing to the public? A. Yes; and in addition to that their method of getting a good title there is not as complete as ours. They have private registry offices there.

Q. It is the fault of the system? A. Yes.

Q. Not necessarily because it is elective? A. No: if they elected good men.

Q. But the elective system has its disadvantages also, that the clerks elected are careless on the subject of subordination to the chief? A. Yes; and an elected officer who returns for election every few years is naturally working for the re-election. That applies to registrars and sheriffs as well as judges.

Mr. ROBINSON: Q. You have been to Bermuda and other colonies, is there anything there worth noticing? A. The officers there are all appointed by the Crown. They have a popular assembly, but everything there is appointed directly by the Government.

Q. They have no municipal government? A. They have no municipal government in our sense of the word. They have no mayor in the Bahamas.

C. G. MARTIN, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Have you been engaged in municipal matters? A. No; I am a practising solicitor.

Q. Have you been in the council at all? A. No.

Q. What do you think about the appointment of these officers? A. Well, I think the present system of appointment is just about as good as any system that can be devised. Of course, I believe the present system tends to the appointment of political favorites, but if they were appointed by the council the same thing would prevail. I think it is all nonsense to say that the present appointees are those deliberately appointed by the cabinet in Toronto themselves. The appointments are held in the hollow of the hand of the local member, and when a vacancy is opened there is a scramble among the local politicians to get the ear and the influence of the local member. If there is any corruption at all it is there. I do not think the best men are appointed now, but I do not think matters would be improved any by leaving the appointment in the hands of the municipal councils.

Q. What do you say to election by the people? A. The same. It is a scramble in any case.

Q. Do you think the council would consider the qualifications of candidates as carefully as the Government? A. No; I prefer appointment by the Government to the other system.

Q. Well, taking it all round those appointed to the offices are efficient are they not? A. I think so.

The CHAIRMAN: Q. They do not appoint men without regard to the possession of some qualifications for the office? A. No.

Q. They choose out of the material available what they think best? A. I think the Government sincerely desires to appoint the best men.

Q. Men who are able to fill the place? A. Yes, emphatically; I know of no exception in this county.

Q. Then the next point is as to the compensation of these officers? A. Well, I wish to direct myself particularly to the fees in the Division Court, and probably slightly to the fees of the registrars. I am not so well informed in regard to the fees of the other officials, but I think the fees of the Division Court, which is supposed to be the poor man's court, at all events it is the poor man who pays them in the end, are much too high. I appreciate the difficulty of working out a remedy either by paying salary or reducing the fees.

Q. The tariff at present is fixed by the county judges? A. Yes. Now, I claim that where an official has two routes to travel, and one of those routes will tend to increase his fees naturally he will take that road. So long as human nature is what it is there is that inclination. I am not talking personally about our own local officials, I don't want that understood. People in the country imagine that the bailiff is a lawyer and the clerk of the Division Court is a judge. People have come to me at a certain stage and I have said to them, "Why didn't you go to a lawyer in the first place?" He says, "Why, is not the bailiff a lawyer?" I say no. Now, you can readily see this, when a bailiff goes out, I don't talk about the morality of the thing, but bailiffs are bailiffs, and when he goes out and serves a summons or process, the man on whom he serves it probably never got one before in his life, and he will ask the bailiff what he had better do, whether he had not better go in and pay it. The bailiff will tell him that he would not do that, that if he puts in a defence he will get time any way and stave it off. Of course the man jumps at that, and thinks that is all right. Now, that means bringing business to the Division Court bailiff again, as it is sure ultimately to end in several other proceedings. Then probably the man gets some advice from the clerk, the man will go into the clerk with the money in his pocket to settle the case and asks what he had better do. The clerk will tell him, well, you can pay it if you like, but you can keep him out of it by putting in a notice of dispute. That means forty-five cents.

Q. Well, the fees are not very great in that? A. Well, in the aggregate they amount to a good deal. Not long ago I sued on behalf of a man for $23.50 in the Division Court, and as a result they got $22 and we only got $5, that is all the money my client has got so far. Now, that is absurd. It is supposed to be the poor man's court, and it is the dearest court of them all, relatively speaking.

Mr. ROBINSON: Q. What remedy suggests itself? A. Well, it is very hard to suggest an adequate remedy, because I never studied that out.

Q. Would you combine the duties of the clerk and the bailiff in one? A. No, I would not. You must remember that outside of the country towns the office of the bailiff and the clerk is simply a nucleus for some other business. I

got a letter the other day from a Division Court clerk and it took me five minutes to read the heading, he had so many callings, insurance agent, notary, conveyancer, Division Court clerk, issuer of marriage licenses, and I don't know what. Whenever there is a vacancy for a Division Court clerk in the country there is always a fight and a scramble to get it, because it brings business. The fees of the office were made at a time when the country was wild and the roads bad and it was more trouble to serve a man five miles distant than it is now to to serve one ten or fifteen miles distant, and those fees should be decreased. I do not believe in the system of subdivision of the fees over a certain sum that the present Government have adopted. The Division Court clerk receives now up to a certain amount net, and over and above that ten per cent. goes to the Government. I would ask what right have persons who appear in that court to pay fees so high that there is a division made of them afterwards between the Government and the official.

The CHAIRMAN: Q. Is not the Division Court clerk guaranteed a certain salary by the Government, and over and above that ten per cent.?

Mr. MASON: Q. As a matter of fact does he ever come up to that amount? A. It has come up to two or three thousand dollars, if you take a few returns back you will find it is three thousand dollars; the clerk got the whole of it.

The CHAIRMAN: Q. Does the officer in Chatham do any other work? A. No.

Q. And in the county offices the fees are very much less, they don't get a living salary? A. The fees are just the same.

Q. I mean the aggregate amount; the work is declining? A. It is not declining, but it was always small in country places. In country places the office of Division Court clerk and bailiff is only a little increase to their other business. The clerk of the Division Court hands the bailiff seven or eight summons to serve. Half the time they do not go out to serve these people at all. They say, I will see this man on the market on Wednesday or Saturday when he comes in here.

Q. Do they collect mileage fees for that? A. I leave that to themselves.

Q. Because that was done in some cases and the officials were dismissed? A. I would not like to say what I cannot prove, but I have my own opinion.

Mr. MASON: Q. Do you actually know that that is the case here in Chatham? A. Well, I would not like to say it is the case.

Q. You are saying it indirectly? A. I said that in answer to a question, "Have you any complaints to make of any of the court officers." I do not say that these officials foment litigation, but I say when once it is started they keep it going at a great speed.

The CHAIRMAN: Q. Don't you find that if once a man gets into litigation very often you cannot stop him; they are determined to have it out? A. Yes; until they have no more money and then they stop.

Q. And is not a man to blame more than the officer perhaps, for going on with the litigation? A. Well, you cannot change human nature. It is not always for the sake of the money that the man goes to law, it is the principle.

Q. It is the excitement some people like? A. Well, yes. Mr. Gill, who was examined in London, who is strongly in favor of fees, says if the fees were

reduced the salary would have to be paid out of the taxes by the general public, which would not be fair.

Mr. MASON: Q. I do not think you understand at all what Mr. Gill meant. He meant if no fees were collected at all, those fees would have to be paid out of the public funds any charge made for registering? A. Well, perhaps I am mistaken then. Regarding the fees of the registry office, I have no fault to find with the fees, and so far as our own registry office is concerned it is admirably conducted, but I do protest against paying $1.40 for a document like that. (Lien note.) At the time these fees were fixed no such document as that was known. According to the rules of the registry office they are entitled to charge $1.40 for entering a document containing only eight words or less. Regarding this affidavit on the back there is no trouble about that. It is a form a little out of date now.

Mr. MASON: Q. The commissioners were informed there were thousands of those like the one enclosed? A. So it is like the one enclosed; they didn't change the principle one bit, because there is a slight change made by the statute in 1893.

Mr. HOBSON: Q. Do you mean that there are thousands of notes like that, or similar ones? A. Most emphatically.

Q. With a little change in the wording? A. Yes.

The CHAIRMAN: Q. You complain of the excessive fees for registering them? A. For registering that document.

Mr. MASON: Q. I understood you were complaining of the fact that they were registered at all? A. Not at all; it is the fees.

The CHAIRMAN: That is a matter to be dealt with by the inspector? A. Yes; no doubt the registrar is within his rights, but I want the legislation changed. It is well known that it is the poorest people in the world who have to pay these fees, because these lien notes are made by men so far sunk that they cannot get an endorser on a note, and their place has two or three mortgages on it already, and they resort to these.

Mr. MASON: Q. Have you ever thought that after all in the payment of $1.40, he has paid less than he would have had to pay if a mortgage had been drawn? A. He could not get a mortgage.

Q. Why not? A. These notes are generally for small sums.

Q. But if he wanted to put it in the actual shape of a mortgage he would have to pay more than that, would he not? A. He would have to pay for drawing the mortgage.

Q. So that after all it is cheaper to him in the end than if a mortgage were drawn? A. Yes.

The CHAIRMAN: Q. It is taken for what it is worth? A. Yes; I think twenty-five cents would be enough for registering that. Now, there are one or two other things, gentlemen. I contend this, that in any case in the Division Court where the claim only amounts to $10.00 the costs should not be more than $2.00. It is well known if you sue a man for four or five dollars the costs will be six, seven or eight dollars. It would be better to take the claim and put it in the fire.

Mr. MASON: Q. Is not it true that the bulk of the costs end with the serving of the notice upon the debtor; the preliminary costs, are not they pretty nearly all before that? A. Well, I do not think so.

Q. Is not that the bulk of the expense? A. No; it is not.

Q. What is the cost of entering the defence? A. Well, sometimes there are adjournments and all sorts of things.

Q. So far as the bailiff is concerned, I am asking? A. All the fees go to the bailiff or clerk, all the costs that are incurred the clerk and the bailiff make them, the judge does not charge anything.

Q. What can a bailiff gain by telling a man to go on and defend? A. It is possible there will be several other processes served in the courts, and probably a judgment summons after a while.

H. W. BLINN, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. What is your business? A. I am manager of the Canadian Savings & Loan Company.

Q. Have you lived in the county many years? A. All my life, but I have never held any municipal office. My business has brought me in contact with the registrars and I know something of the other officers, but there are a number of questions here regarding which I am quite ignorant.

Q. I speak more with regard to registrars. The Division Court clerks and bailiffs, have you any experience with those? A. We have no grievance as far as that is concerned.

Q. What do you say as to the way in which registrars should be appointed? A. Well, in regard to this matter of fees, I am decidedly in favor of their payment by fees as at present, and as I understand that the fees under the new Act just passed in Parliament are very much reduced.

Q. They are allowed a smaller percentage on the overplus after a certain amount has been reached? A. Yes; I understand the registration of an ordinary mortgage will be one dollar.

Q. A cutting down of the fees? A. Yes; I am told that.

Mr. ROBINSON: Q. That is in the Act not yet passed? A. The Act which will be passed at this session.

The CHAIRMAN: Q. What do you say as to whom they should be appointed by? A. By the Government, under the present system.

Q. You think the present system as to appointment is satisfactory? A. Yes.

Q. And also the system of payment, their collecting the fees up to a certain amount? A. Yes.

Q. What objection would you have to the council choosing the registrar? A. I think it would lead to the same state of things which formerly existed in regard to the granting of licenses, to political strife and a great deal of log-rolling and dissatisfaction in that way. I consider that under commissioners appointed by the Government the license question has been much more satisfactorily managed than it was under the old regime.

Q. One gentleman has expressed the opinion that the license commissioners ought to be elected by the people? A. I do not at all favor that; I think all the experience in this and other countries points the other way.

Q. Do you mean that they will not enforce the law where it is in disfavor? A. I think there would be more log-rolling, and it would lead to political feeling; that would be the whole question without regard to the efficiency or merits of the officers.

Q. You think that state would prevail whether the county councils made the appointment or the people elected these officers? A. Yes; I should prefer to leave it in the hands of the Government to find where the fault lies; if there are any grievances we know where to go for a remedy.

Q. How would you manage in regard to the deputy or any assistance that is required in the office, would you leave that in the hands of the chief? A. I do not know, that is something I have not thought of. But there is a question which I think should be considered, that is that a registrar should receive a certain salary, which should be as low as could be considered for having the work done efficiently. We find as a general thing that the earnings or incomes of the farmers are very much reduced, and they grumble very much at fees, and I think that in all these offices the salary should be as low as the work can be efficiently done for, and any surplus after the fees have paid this salary should be returned to the municipality.

Q. Do you suggest any reduction of the fees for the different services? A. Of course, it depends, in different offices. Where the matter is merely clerical work a much less salary should be given than where it requires skilled labor or legal ability.

Q. I was rather at the moment speaking of the amount of fees that should be taken for each piece of work; do you think there should be a reduction in the amount paid, or do you think the fees charged are reasonable? A. I think the registration fee is pretty high, but with the present anticipated reduction I think it will be satisfactory. I don't think any one could grumble at a registration fee of one dollar for a mortgage.

Q. What would you say would be a fair salary for the head of the office in this registry office? A. It would depend on the amount of work.

Q. Would you fix it on the basis of an average of five years' work? A. No. I think there are far more registrations and changes which make work to be done in the registry office of a new county than in an old county. In the old counties there are very few properties changing hands, and very little is done in the way of registration, whereas in a new county like Essex or Kent property is continually changing hands and there is more work to be done than in an older county.

Q. Each county should be placed as to the matter of salary on its own footing? A. That is my idea, there is certainly a great deal more work to be done in some offices than in others.

Q. You see no reason why there should not be differences of salary in different registry offices, as there is more work in some than in others; you would not have one uniform scale of salary? A. No; I would have regard to the amount of work and the amount of fees collected.

Q. Do you speak regarding any of the other officers except registrars? A. No; I am not sufficiently conversant with any of the others to give an opinion.

Q. You have mentioned the license commissioners, who are not on the list. You think the present system is an improvement on the old system? A. Yes; it is more satisfactory on the whole. I am merely speaking of the efficiency of the work.

W. C. GILL, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Q. How long have you been registrar? A. Registrar for the city of London nearly thirty-six years.

Q. I suppose your office was at first for the whole county, was it not? A. No; it was taken off in 1858.

Q. That was the first city office? A. Yes.

Mr. ROBINSON: Q. Then Captain Walker was for the county? A. Yes; for part of the county. Previous to 1858 I was twelve years deputy registrar for the county of Middlesex.

Q. The promotion came in your case from deputy to chief? A. I don't know about that, but I managed to get the appointment for the city.

Q. You came from the county to the city? A. No; there was a hiatus between the two times, but I got the city.

Q. And you have been registrar here thirty-six years? A. Thirty-six years next December. When I came here in 1842 this was a very small place indeed.

The CHAIRMAN: Q. What do you say as to the manner of appointing registrars and those other officers; you have a knowledge of all of them more or less? A. Of course I am in favor of Government appointment altogether, I think it is far safer than any other kind of appointment. The Government have the inspection and they are responsible.

Q. What is your opinion as to the manner of appointing deputies? A. Deputy registrars are merely private clerks of the registrars. A man need not have a deputy. The only reason I have one is because if I happen to be out of the office as I am now, and a man comes in to take a deed away there is some one there. It is of no importance except that you must have some one there; you may call him a deputy, a clerk, or what you like, to represent you when you happen to be out. Of course, a man has to take his holidays and there must be someone to help him, and you could not pick up just any man to fill your place, you must have one who knows something about it.

Q. You favor the chief appointing the deputy? A. A registry office could not be carried along unless the registrar was the paramount authority. You cannot departmentalize the office. Three or four days ago, for a sample, a man came in about 4 o'clock, when I was doing something else, and I told my deputy to attend to him. About ten minutes after another man came in, and I had to take hold of him, and immediately after a third man came in with three or four more. You cannot departmentalize that kind of thing, although, of course, that does not often occur.

Q. Then the management of the office, in your opinion, should be left entirely in the hands of the chief? A. Yes; there would be no discipline or anything else if it were not.

Q. Is that based on the present system of payment by fees, or on salaries being paid? A. I am basing that without any reference to payment at all, that is merely as to the proper government of the office.

Q. Do you speak as to the manner of appointment of any of the other officers? A. Well, I have had a good deal to do with the sheriff's office, practising as a solicitor, and I think the sheriff can only be appointed by the Government.

Q. Do you regard it as a municipal office? A. Not in the least.

Q. Do you regard any of these offices as municipal? A. Well, no, I should think not, I don't see how they can be.

Q. The registrar, do you think he is a local municipal officer as distinguished from a provincial or state officer? A. No, I don't. I think he is equal in standing and position to a provincial registrar or Dominion registrar.

Q. It is more akin to the administration of law? A. Yes; the registrar is really to a great extent a judicial officer, there are so many questions that come before a registrar that have to be decided.

Q. Will you instance some of these? A. Well, take a deed executed by five or six parties. The Act states that the witness shall swear to the signature of all the grantors. He may be brought in by a person who is not sufficiently acquainted with the law, he may take this deed in to me to register, and I would consider that as insufficient to register.

Q. There being only proof of one signature? A. Yes; I have repeatedly had them come in, and they have been sent back as far as England or California for want of proper execution.

Q. Well, in a description of property you may have a vague description? A. There must be a description of property to correspond with some survey that is in use, either a Government survey or private, and if they don't correspond with either of these, if a man insists upon registering the document, rather than not do it I put it in the general registry book. Then in searching the title he would have to run chances of finding that, I would say if they don't look in the general registry book they will not find it.

Q. That is illustrating the position that this is not merely a municipal office? A. Yes.

Q. But in some senses a judicial office? A. Yes.

Q. Although, of course, there is a great deal of clerical work? A. A few days ago a map came in of a property survey of which the Act says: "You shall not take a map in unless it is to a certain scale, etc." I had to look up three statutes to convince him that his street was narrower than the law permitted.

Q. And you did not take it? A. No; it did not comply with the Act. Those are some of the instances which came up.

Q. More of those come up in the city than would be likely to in the county? A. In the county there are a great many villages, and these questions come up in villages.

Q. What do you say as to the appointment of county attorneys and clerks of the peace? A. They are legal appointments.

Q. All those that are officers of the court strictly speaking you say should be left in the hands of the Government? A. Yes. Some people think that Division Court clerks and bailiffs should be left in the hands of the judges as it used to be; of course, I don't want to express any opinion on that.

Q. In any case would you favor their appointment by the county council or election by the people? A. No, neither; because although the council is composed of honest people a man may be in the council this year and next year he will not be elected, and he is not responsible to anybody.

Q. They are a more fluctuating body than the executives? A. Yes.

Q. Then as to the manner of payment? A. Well, payment by fees I think is the most just way of paying a registrar or sheriff, because the people who avail themselves of their services are the ones who pay for them. If you pay by salary the salary will come out of the general taxes, I imagine.

Q. I don't think any one proposes to abolish fees? A. If they do the salary would come out of the general public, and four-fifths of the general public never make use of these officers at all. Then in the case of funding the fees, I would not like that at all, I would receive the fees and not get them, and half the time I dare say a good many of the fees would not be collected. Supposing some party came in to search and had not enough money to pay the fees and I would ask him to become responsible and in order to collect it I might perhaps run after him half a dozen times, and probably at the end of the year would be out one hundred dollars in that way. I would not like that. Of course, a salary is a very comfortable thing to have, because you know what you are getting. In these offices the fees are very fluctuating. For the first three months this year the fees were very small. For this month they are almost double. You never know what you are getting. But I would not like to take a salary unless I had a salary sufficient to pay all my employees that should be included.

Q. You would not favor the system of the salary of the registrar being fixed and the salary of the deputy? A. No, I would not do that, you know. For instance, my deputy is generally a young man averaging from seventeen to twenty. I tell them "If you like to come to my office and do certain work I will give you so much. There is no promotion, but I will get you a good situation." Consequently there are many young men who have gone out into the world from my office who are doing much better than I am.

Q. On the funding of the fees, do you approve of the present system by which a certain amount is given to the registrar? A. Well, that is rather a hard question for a registrar to answer.

Q. I mean the principle of that manner of dealing with the fees, the fees are not all received by the officer, but he is allowed to retain what is supposed to be a sufficient sum for his services, and then he gets a percentage on what is collected over that, and a surplus is returned to the municipality? A. As I was saying, I don't care so much about that if the bill provides that we shall deduct our expenses from the gross fees, but to pay to the council a percentage on the surplus of those fees and deduct our expenses afterwards I do not think is just.

Mr. HOBSON: Q. That is not contemplated? A. I don't know, I only imagined that it was, I have not seen the bill, I could not get a copy of it. I wrote to Mr. Ross on the supposition that our surplus was to be paid on the gross fees instead of the net fees.

The CHAIRMAN: Q. Then the surplus should go where? A. I don't care where it goes, whether to the municipality or to the Government.

Q. That depends on who maintains the building, I suppose? A. Well, I should think the proper way would be for it to go to the council, they furnish the books and the building.

Q. As I understand you now, what you would favor would be the retention by the registrar out of the fees of sufficient for himself and all the assistance he requires, and the rest go over to the municipality, with a percentage payable to the registrar over a certain amount? A. Well, the way that it is done now I suppose. Of course, we cannot alter that ourselves, but if there is to be any surplus go anywhere I suppose it should go to the county council.

Q. In the smaller offices where the fees are not enough to give a living to a registrar, what plan would you suggest there, would you consolidate the office with something else, or supplement the fees from some other quarter, or permit the officer to engage in some other occupation? A. I notice that one gentleman said the offices of registrar and sheriff could be combined. That would be utterly impossible. The business of the two offices is so entirely different that it could not be done. Each office should be independent, at least the registry office should be perfectly independent of any other. I think it is too responsible to be joined to any other. There is a very great responsibility in the way of mortgages.

Mr. HOBSON: Q. I think that was dealing with offices in which the receipts were very small, the outlying districts? A. In small offices like that I think the man should be allowed to do something else to supplement his salary, still keeping his office open during office hours, because a deed may come in at any minute. I wish the hours were from nine until three, because in the afternoons after four o'clock we generally have an accumulation of work and we are generally there until six o'clock.

Q. Then the work is not all done in the hours during which the office is kept open? A. No; I am frequently there until half-past five or six o'clock.

Q. Some one said to-day that the office hours ought to be lengthened? A. If the office hours are lengthened the work will get behindhand. I go to my office on the average from ten o'clock until five, sometimes I am there until half-past five or six o'clock. I make a point of having certain work finished up every day before I leave the office. That is the way I conduct my office, I don't know how other registrars conduct theirs.

Q. It has been said that no complaints are to be made with reference to your office? A. I have never heard any yet.

Mr. HOBSON: Q. You do not think it would be well to join these offices in places like Manitoulin or St. Joseph or some of those places where the receipts from the joint offices would not afford more than a fair living salary; you think the offices should be kept separate, and the officers allowed to do other work? A. I do not think it would be well to combine the two offices. I know I would not like to work a sheriff office and a registry office together. In Sault Ste. Marie I

consider the registrar has plenty to do and the sheriff too. He complained a little about the fees being slack, but still at the same time I don't think it is well to join the offices.

Mr. ROBINSON: Q. Are you a professional gentleman as well, sir? A. Yes; I am a solicitor. I was sworn in in '47.

The CHAIRMAN: Q. You have found that a decided advantage in being a registrar? A. Yes.

Mr. ROBINSON: Q. From your experience then, a man elected to the office which you hold would hardly be capable of filling it satisfactorily? A. It takes me about three or four months to break in my young men to an average knowledge of the working of the office.

Q. So as to be reliable? A. So as to be able to take in a fee, or open an abstract book and tell a man intelligently what is on a lot. Of course, I do not expect them to answer any of these legal questions I speak of. If I expected a deputy to be perfect I would not want to work myself. I would say, "Here, I pay you a thousand dollars to do my work and I am not going to do it myself."

Q. That is what people sometimes complain of? A. Yes; but we don't employ deputies to do that, I don't; of course, I don't know whether others do or not.

Q. Have you ever paid a surplus to the municipality? A. Yes, a small one.

The CHAIRMAN: Q. Have you ever had any arrears charged upon you for which you are responsible? A. No; I had to make a return to the Government the other day of my arrears, and I put in the word nil. I am very particular. I think a man should take pride in his office when he is appointed, and I do so.

Q. What does your office average? A. About $2,750 gross, but for the first ten years of my tenure it averaged about $600, and if I had not had professional work I would not have made my living out of it. During the last three years expenses had to be taken out of that. For the last thirty-five years I don't suppose my salary would average for the whole time $2,000 a year. Then all the expenses have to come out of that.

Q. What average do you pay for clerical assistance? A. Between six and seven hundred dollars.

Q. You have to get extra help sometimes when there is pressure of work? A. Yes.

Q. Could you frame a scale which would be suitable to any of the offices as a general thing, or would you not have to deal with each office on its own merits? A. You would have to deal with each office on its own merits; you could not fix a scale for one office and let it rule the whole country.

Q. You must have a different remuneration according to the difference of the work? A. Yes. You might fix a salary one day for me and in a month you would find that I was losing money; and on the other hand the Government might discover suddenly that they were paying me too much.

Q. What is the limit now on which you account to the Government? A. I have to account after $2,500.

Q. Out of that you pay your help, do you? A. No. Suppose my fees were $3,000. I account to the municipality at present for ten per cent. on the differ-

ence between $2,500 and $2,000. That would give $50. Then out of that I take my expenses—out of the balance I take my expenses—and if the remainder is over $2,500 then I return something to the Government. But this new Bill of Mr. Ross' says, I believe, that I shall pay beginning at $1,500, and pay on the gross receipts over $1,500. I think it would make a difference to my income of about $200 a year. I heard someone speaking about the responsibility of bank managers. The responsibility of a bank manager is nothing compared to that of a registrar, because the responsibility of the registrar dates from the day he gets the office, and if any mistake is found out fifteen or twenty years after it follows him all the rest of his life. A man can sue him and get judgment against him and keep on at him until he gets the money. Now, a bank manager, if he loses money has only to account to his bank, and he gets a blowing up and it is all over. The bank does not make him pay it back unless he steals, and then the guarantee company has to pay it. This year, up to the end of April, I have registered mortgages amounting to $225,108. If I make a mistake and leave out one mortgage of $1,000, if I have left that off one lot and a man came in to search that lot and went away satisfied that there was nothing against it, and did not hear of this mortgage, the consequence would be that I would have to pay probably $10,000 or $15,000, and if I could not pay him he would follow me all my life.

Q. Or if you registered it on the wrong lot? A. Yes. So you see there is no analogy between the responsibility of a bank manager and that of a registrar. The registrarship is the most responsible office in the gift of the Ontario Government.

Mr. Robinson: Q. But if a bank manager makes a mistake he loses his office? A. He may or may not. I have known numbers of them who made mistakes and did not lose their offices. Some people talk very much about fees because they think probably a man can extort, but in my experience I do not see how any fees can be extorted at all, because they are laid down by statute, and the lawyers who do business in the registry offices have a very good idea of what they should be.

Mr. Mason: Q. Mr. Essery spoke of the tendency to extort fees, as he called it? A. I don't know anything beyond the sheriffs and registrars; I don't know about Division Court bailiffs and clerks; I believe sometimes the bailiffs do, but I don't believe sheriffs and registrars can. A sheriff may perhaps make a mistake, but a registrar cannot make a mistake.

Q. What was the population of London when you came there? A. 3,000; it is now 31,000. When business is good business comes into my office, and when business is bad it does not. My office is like a barometer. Another reason why I think fees are a great deal better than salary is this, it is not the general public who pay the fees, but the men who make a living out of the public by selling them land. I know a man who got a block and laid it out in lots and built nine houses. He paid me $1.40 for registering that deed, and now he will have to pay on each of those lots.

Mr. Robinson: Q. That will make a pile of money? A. This man for that $1.40 had his deed registered, and now the other men that buy have to register theirs, so that one man in the course of ten or fifteen years barely had more than one or two registrations. I have land in my office now that has not been conveyed at all since forty years ago, when it was patented.

The CHAIRMAN: Q. I do not think there is any desire to change the system by which the persons for whom services are rendered have to pay for it; the question is what shall be done with the fees? A. Well, I don't think a man gets more fees than he ought to have, because when he gets more fees he has a great deal more to do. My work has been considerably increased by the length of the mortgages used by those building and loan associations, which are needlessly long.

PETER D. McKELLAR, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. How long have you occupied your present position? A. I have been thirty-two years registrar of the county of Kent.

Q. Were you deputy before that? A. No; I was a law student in Toronto.

Q. Have you formed any opinion as to how registrars ought to be appointed? A. I think the officers should be appointed by the Government. I do not think any more competent authority could be selected than the men comprising the Government, because they are familiar with the duties required in each office, and the qualifications necessary to enable a man to perform his duties satisfactorily; and they are more amenable to public opinion and criticism than any other body of men; they are more closely watched, and they have therefore to be very careful in the selection of proper men.

Q. Do you speak now of all these officers that we have here? A. Yes; all those mentioned there.

Q. Division Court clerks and bailiffs, do you think with regard to them that the Government appointment is satisfactory? A. Yes; there has been a very decided improvement in this county since that appointment was taken out of the hands of the judge by the Government.

Q. Do you know of any complaints of extortion made regarding any of these officers? A. No; not in recent years.

Q. Or of promoting litigation to make money for themselves? A. Not recently. I know before the Government took over the appointments many complaints were made about the services rendered.

Q. Does the present system of inspection by the Government obviate that? A. I think so.

Q. We have heard in some counties that the judges themselves prefer the present manner of dealing with that appointment? A. Yes.

Q. Then as to the compensation of these officers? A. Taking into consideration the amount of work and the responsibility connected with it, they ought to be liberally paid. The sheriff, county attorney and registrar, the three as to which I am better able to speak, I think for this county ought to receive at least $2,500; I think that would be a fair compensation.

Q. For each of those three officers? A. Yes.

Mr. ROBINSON: Q. Do you put them on a par? A. Yes; pretty much. Probably the sheriff is entitled to somewhat more; probably three thousand dollars for the sheriff. Of course, I believe there are more risks in the sheriff's office than in the other.

The CHAIRMAN: Q. That is to be paid out of the fees? A. Yes.

Q. And the rest of the fees you would have funded? A. Yes; I think that is the better way, to collect for the services rendered; because, then, those who are served pay for the services, and the officials then are paid according to the volume of work they perform.

Q. That is the present system in Ontario? A. Yes.

Q. That commenced with Mr. Blake, I believe? A. Yes; it is the Rebate Act you are speaking of; he introduced that.

Q. Do you know whether it was taken from any other place? A. No.

Q. I think it obtained in the States before them. Was your father connected with the Government at that time? A. Yes, sir.

Q. Do you know if he had any hand in the framing of it? A. I do not know; I think it was entirely Mr. Blake's Act. Of course he approved of it as a member of the Government.

Q. What was the reason of that? A. Well, the complaint was made that in some offices the fees were excessive: and the remedy that John Sandfield McDonald applied was to divide many of the offices; and I think in nearly every case the division was made in defiance of the will of the people of the counties, dividing the counties into two divisions; and in order to meet the complaints that were made, Mr. Blake introduced this Act.

Q. And that was intended to apply to cases where the revenue from the offices was found to be too large a compensation to the officer? A. Yes.

Q. It was not intended to apply to those offices where the fees had not reached that point? A. No; I believe they did then consider the question of funding the fees and paying salaries; but it was found when they came to consider that that the total amount of the fees would not be sufficient to fully remunerate the officers.

Q. That is to fund the fees of the registry offices into one common fund, and let the registrars be paid out of that? A. Yes; but it was found that they would not be sufficient, and then this other was adopted.

Q. They might be sufficient now owing to the advance that has taken place in population and so on? A. Yes; there has not, however, been such a great increase in revenue. I think the revenue of my office now is not quite so much as it was just at that time. The revenues have fallen off very much of late years.

Q. Is it owing to the depression? A. It commenced about six or seven years ago, and there has been a gradual falling off.

Q. Caused perhaps by the exodus to the west, to Manitoba? A. Yes; I suppose that would account for it in some degree.

Q. So you think it questionable now whether the total revenue, if funded, would yield salaries to all the officers? A. Yes; I think it is doubtful if it would yield fair adequate salaries.

Q. As to the management of your office, how do you think a registry office in its details is best conducted, as to the clerical assistance you want and the payment for it? A. That should be entirely under the control of the principal, who is entirely responsible for every act of theirs; and he should have control of them.

Q. Both as to appointment and payment? A. Yes. People do not seem to consider of how much importance the question of efficiency is to them. They have had some experience here. At the time I took the office it was in a very imperfect condition, so much so that outside capitalists had refused to lend money here. When I was leaving Toronto, when I heard of that state of affairs, some gentlemen came to me and told me that owing to the condition of affairs in the registry office here they had refused to lend money here, and the price of money had consequently advanced very much; but they said if I overhauled the office and could assure them that the records were accurate, and that I could issue abstracts with absolute certificates, they would at once supply all the money necessary for this county at Toronto current rates. When I came here I found out myself that that was the case, and I at once applied myself to overhauling the office. I took about two years, and I finished in about the spring of 1865; and as soon as I made that known, whereas the prevailing rate of interest here prior to that was fifteen per cent., as soon as it became known that the office was in a reliable state the rate of interest at once fell to seven and eight per cent.

Q. What were the things to be remedied? A. Documents entered and not entered in the indices. We found eleven hundred instruments recorded that were not entered in the indices. You were not at all certain in making a search or getting an abstract.

Q. That was the effect of carelessness? A. Yes, carelessness.

Q. What special skill is needed in a registry office, in the head of the office, to ensure efficiency in registration? A. A man ought to have a pretty fair knowledge of the law of real estate and should exercise a good deal of vigilance in seeing that the proper entries are made in their proper order in the abstract and alphabetical indices, and in making out abstracts expert work is necessary there, such as unravelling complicated titles and descriptions; it requires the skill of a professional land surveyor in some cases. We furnish descriptions of intricate titles when making out abstracts, and also on application from parties making examinations, from solicitors outside, who apply by letter for explanations, whom we supply with explanations and diagrams so as to make it clearer to them.

Q. During what hours do you work in your office, do you work beyond the office hours? A. Yes, in the busy season; we have to do so to keep up with the work. From the 1st of October until this time we work from half-past nine until five and sometimes six o'clock, just as required; we try to keep the work of every day kept up, and all papers and abstracts returned by mail the same day they are ordered.

Mr. ROBINSON: Q. Is that your busy season? A. Yes; then during the summer months, July, August and September, we sit around the office with hardly anything to do, except revising the work of the year; that is rather monotonous.

The CHAIRMAN: Q. You are obliged to have a deputy now, I suppose? A. Yes; because I have to be absent sometimes.

Q. As a witness? A. Yes; and even without that one man could not do the work of the office.

Q. But I mean even in the smallest office they must have someone besides the incumbent of the office, so as to keep the office always open? A. Yes.

Q. Have you a permanent deputy? A. Yes.

Q. What is the compensation he gets? A. I give him $1,000 a year. If the work increased I would be obliged to increase his salary.

Q. Is he the only permanent officer you have? A. No; I have an assistant, a lady, who assists in indexing. I pay her $30 a month. Then I have four copying clerks, ladies, who are paid by the folio. Each one has her own set of books, and as long as she keeps the work up she can work any hours that suit herself. The work has to be done in the office.

Q. Well, that enables you to keep up; that is all the extra help you need? A. Yes; that is all I have now.

Q. But if pressure comes you get in extra copyists? A. No; that staff is sufficient to keep up the work as it has been for the last two or three years.

Q. Do you keep these all the year round? A. Yes

Q. In the dull season too? A. Yes. They are not entirely dependent upon what they earn there, and I prefer to have a trained staff to getting in extra assistance when necessary.

Q. So they are available all the year round, but only get paid when they work? A. Yes. They are sufficient to keep up the work in the very busy season. During the idle season they take holidays.

Mr. MASON: Q. Have you come across any of these? (Showing Mr. McKellar a small document.) A. That is a lien note.

Q. Do you register those? A. Yes.

Q. What do you charge? A. $1.40; there is no other provision made and we treat them the same as a deed.

The CHAIRMAN: Q. Is it for an agricultural implement? A. No; it is for the loan of money.

Q. Not a mortgage? A. No; it has the effect of putting a lien on the maker's land.

Mr. MASON: Q. It has the effect of a mortgage by law? A. Yes.

Q. Covers all a man's property? A. Yes.

The CHAIRMAN: Q. Then you register it against a name? A. No, against a property; you will notice the property is described.

Mr. MASON: Q. Can you tell roughly how many of those you have entered? A. Oh no, I could not.

The CHAIRMAN: Q. Are they common? A. Not very common.

Mr. MASON: Q. Are there a thousand of them? A. No.

Q. Five hundred? A. I don't think so.

Q. How long back do they date? A. It is only within the last two or three years that they have become any way common.

Q. Has there been any complaint made about them? A. Yes: people come in sometimes not knowing that they had given a lien, although the law requires

that the witness must swear that it has been explained to the man and that he understands that it may be registered against his lot.

Q. Does he swear that? A. Yes; the Act requires that, there must be an affidavit attached to this. I do not notice the affidavit here. This one would not do; we would not accept it, because it does not comply with the statute. He must swear that it has been read over to the man and that it was explained to him that it could be registered against his property.

Q. I wanted to find out if that form was registered? A. No; there may be some registered in that way, because it is only within the last two years that the statute made it necessary for a witness to swear the man understood it might be registered.

Q. Then you would not take it? A. No; I have refused them without that.

Q. The reason I asked you was that it relates to this county? A. Some of them I suppose were got up some time ago before the law made this other provision.

Q. As it is now, I understand you, that that would not be sufficient? A. No.

The CHAIRMAN: Q. There is legislation to prevent that being done? A. Yes.

Mr. MASON: Q. And the charge for recording this is $1.40? A. Yes; the Legislature left it at that.

Q. They state there are tens of thousands of these notes used and recorded throughout the province every year? A. I don't know how it would be in other places. I don't think you would find one hundred and fifty of these in my office. There are other notes, you know, agricultural implement notes, filed in the County Court offices, and implement liens of a different kind, which are made to bind a man's lands.

Q. And they are allowed to be entered? A. Yes.

Q. But this is a copy used apparently for any ordinary debt? A. Yes; any ordinary transaction.

Q. So far as your office is concerned, you do not think there are more than one hundred and fifty of them? A. No. I have refused, you know, to register these unless they were for implements or goods.

Q. That is since 1892? A. At first, until the inspector ruled that they could be registered; that is, where it was just a money transaction.

Q. Do you register them now in that form? A. Yes; when accompanied by a proper affidavit.

Q. And you have had some complaints about them? A. Yes; farmers have come in intending to borrow money or to renew a mortgage, and it has been found that there is some lien of this kind that they did not understand would be registered against their lands and it sometimes blocks them.

Q. I understand from you that the affidavit is required to state that they were explained to the party signing them? A. Yes.

Q. And you always require the affidavit of the witness that that took place? A. Yes. We are just as particular with them as with any other instrument to see that they follow the regulations laid down by the statutes.

Mr. ROBINSON: Q. With all your care have you sustained any loss in your office? A. I have been pretty fortunate. I think I have only been out about $2,500 in thirty-two years.

Mr. ROBINSON: Q. Have you been a witness to the effect of the system in the United States of election as far as these officers are concerned? A. To some extent in Detroit. I do not think they have the same efficiency of service there as we have here. In fact there a man wanting an abstract of title goes to what are called abstract offices kept by private parties outside, who are not responsible in any way to the government or anybody else.

The CHAIRMAN: Their business is a very lucrative one? A. Yes; I remember Mr. Pingree, the present mayor of Detroit was building on Woodward avenue, and he stated that the abstract for the property cost him $170. He was afterwards over examining the Essex offices and Mr. Askin showed him an abstract there which he said was about the same length as his, and which under our law would only have cost $2.50. There a popular man is generally elected; the people swallow the whole ticket.

GEORGE A. SOMERVILLE, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Have you had any experience with these officers we are dealing with, with the registrars, sheriffs and so on in the way of business? A. With most of them, particularly the registrar.

Q Have you been in any municipal office yourself? A. No; I was once a public school inspector.

Q. You have had most to do with registrars? A. Yes.

Q. What is your opinion about the manner of appointing them? A. I think the present mode is preferable to any other that has been suggested to me.

Q. That is appointing by the executive, by the Government? A. Yes.

Q. What do you think about the county council nominating or selecting them? A. I think the present mode is better.

Q. Do you think any benefit would result from the county councils appointing or the people electing them? A. I cannot see that there would, but probably some disadvantages. The supervision and inspection would likely be much less efficient, and the advantage of holding the Government responsible for the acts of these officers would be lost.

Q. What do you say as to the appointment of the sheriffs? A. I take the same view regarding them. Appointment by the Government appears to be altogether better than either election by the people or appointment by the county council.

Q. And what do you say as to the other officers, the clerks of the Division Court, county attorneys and so on? A. I think that those you have named should be appointed as they are at present; I think it is decidedly preferable.

Q. Are there any of the officers in this list the mode of whose appointment you think should be changed? A. No; I will not suggest any change.

Q. Are there any other local officers you would desire to speak of apart from those? A. No; I do not think so.

Q. Then as to the system of registration, do you see any objection to the fees which are charged as to their amount? A. No; no such cases have come before me.

Q. Do you think the fee charged is a fair remuneration for the services rendered by the office? A. I think it is quite fair.

Q. That covers that head of inquiry; the next is as to the remuneration of these different officers. Fees are collected by all of them, and some of them take the fees for their own use, and some pay those fees over and get a salary out of them. What do you say as to the manner of compensation? A. The system of payment by fees appears to me to be the fairest mode of remuneration, provided that it is so regulated that the total remuneration the officer receives is kept within reasonable limits.

Q. A fixed amount out of the fees; just a fair living salary? A. Yes; and then let the remainder be paid over as at present.

Q. Is that with a percentage out of the surplus going to them? A. Yes.

Q. What advantage do you think results from that? A. Well, I think that while they are getting a percentage of the total profits they conduct the office as economically and efficiently as possible in order to make their percentage as large as they can. That is one advantage.

Q. As to the remuneration payable to assistants, would you leave that in the hands of the chief officer, or would you have the compensation paid to the assistants fixed in any other way? A. I think it would be better in the hands of the chief officer as at present.

Q. It is said that in some cases the chief gets a couple of thousand dollars a year and only pays his deputy, who does all the work, five or six hundred dollars a year. Would you allow that to continue, or do you think that should be altered? A. I think I would leave that as it is to be regulated by the law of supply and demand.

Q. You think that is a matter of business? A. Yes; and the officer is responsible for the acts of his deputy.

Q. Then as to the manner of payments of sheriffs? A. Well, there again I should think payment by fees would apply.

Q. Would you have that dealt with in the same way, that after the fees have reached a certain amount the surplus should be paid over? A. I think so.

Q. The same as in the case of the registrars? A. Yes.

Q. Then county attorneys and clerks of the peace, have you any opinion about their manner of payment? A. I do not know so much about their duties. I would not be inclined to say anything regarding them.

Q. What do you think would be a fair salary to be paid out of the fees for the registrars and sheriffs? A. That would depend to some extent upon the locality in which they are. I think the remuneration of the sheriffs should be higher than

that of the registrars. It is rather a more responsible office perhaps. I should think from $2,000 to $3,000 a year for the registrar in a city, and the sheriffs from $2,500 to $3,500 or $4,000.

Q. That is in cities or the country? A. In a place of the size of Toronto I should think the remuneration ought to be even higher than the last figure I have named. In some of the smaller places possibly a little less might do.

Mr. ROBINSON: Q. You have never seen anything to complain of in the management of the registry office? A. Not at all.

Mr. MASON: Q. Either as to excessive charges or lack of promptness? A. No; everything here has been very satisfactory, in fact I have never heard of any complaint.

Q. There are two offices here in this county? A. Yes; a county office and a city office; I speak of both; they are conducted very satisfactorily.

Q. Is there a London registry office and a Middlesex office? A. Yes; there are two in the county of Middlesex; the other office in the county is at Glencoe.

Q. You have been here for some time? Yes; I have been manager of the Huron and Erie Loan Company for nearly six years.

Q. The practice as far as you know in loan companies is for the directors to appoint a managing director, and not that he should be elected by the shareholders? A. Quite so; I have never heard of any executive officer such as a manager being elected by the shareholders.

THOMAS E. ROBSON, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. How long have you been county clerk? A. Nearly two years. I have filled the position of deputy reeve, reeve and warden of the county of Middlesex; I have lived all my life in this country. The duties of the county clerkship occupy nearly all my time. The nature of the business is keeping a record of the council meetings, and getting out reports of all the meetings, and conducting all the correspondence connected with the county business.

Q. Is there a distinct dividing line between the nature of your duties as county clerk and the duties of all these officers we have named here? A. Yes.

Q. By whom do you think the officers whom we have in this list here should be appointed, by the Government or by the municipalities? A. I have not given the matter a great deal of attention, but I think it would be more economical and the work would be as efficiently done if the county council had the election of the different officers. I might except the sheriff from that. That is a very important office, and probably it would be as well that it should be kept in connection with the Government.

Q. Do you think the county council would be able to choose officers of the courts, clerks of the courts, and local masters; do you think they could make any better selections for those than are made now, or is it merely that the arrangement would be more economical? A. That would be my idea. I think the registrars and the clerks of the peace and county crown attorneys could be more economically appointed by the county council. I say that because of the com-

parison between the amounts paid to our county treasurer and that paid to these officers. Our treasurer has to give bonds to the extent of about $90,000, and his salary is $1,600 a year.

Q. These officers, the clerks of the peace and the others, have no duties of a municipal character to perform, they are all connected with the courts? A. Yes.

Q. Do you think the municipal council would be able to judge as well of who were fit persons to appoint as the executive of the Government could? A. I would not want to be too certain as to that, only as far as the registrars, clerks of the peace, and county crown attorneys are concerned.

Q. You would have the registrars appointed by the councils? A. I think it would be better.

Q. What would you say to having them elected by the people? A. I do not think that would be a good idea.

Q. Would you have the registrar and the clerk of the peace subject to the county audit? A. Subject to some audit. The accounts of the clerk of the peace, sheriff, and county crown attorney are at the present time audited by the auditors of the criminal justice accounts in our county. As regards the registrars of deeds, there is no audit at all beyond the statement of the registrar himself.

Q. As to the manner of paying them, you say more economical arrangements could be made by the council; in what way? A. I think they could get men who would fill the position for less money than is paid now, in this county at least.

Q. Would you advertise for applicants or how would you ascertain at what rate you could have the work done? A. I think it would be done efficiently in the same way that the appointment of the county treasurer is done.

Q. Do they send in applications then? A. Yes. Those who are wishing to be appointed send in an application asking for support and for the appointment.

Q. Are appointments made in the county council likely to be made on party lines; do they follow party lines there? A. They do in some cases.

Q. They fix the salary themselves? A. Yes.

Q. What reduction should be made, or how do you think the offices could be filled more economically than at present? A. I would think the salary of the registrar or other such officers as that might be fifteen hundred dollars for county registrars in such a county of Middlesex.

Q. And for the city? A. It might, perhaps, extend to two thousand dollars in some cases.

Q. What other officer would you speak of besides; the clerk of the peace sheriff, and county crown attorney? A. It would probably be as well to leave that under the control of the Government.

Q. Would you favor their being paid, as at present, a certain amount out of the fees? A. I think the fee system is all right for the registrar and the sheriff, but if the council had control of it let them fix a certain salary and the excess of the fees go to the county.

Q. That is very much as it is now as to the registrars; they get a certain amount and the rest is accounted for, with a percentage to them; do you think that would be satisfactory if the amounts fixed are not too high? A. I would think so.

Q. Have you had anything to do with Division Court clerks and bailiffs? A. No, sir.

Q. Is there any other matter in regard to which you would like to speak? A. No, sir; I have been very busy to-day, and I only just ran up for a few minutes.

Mr. ROBINSON: Q. There would be a great amount of canvassing for these different offices if they were left in the gift of the county? A. Yes; there certainly is in all offices.

Q. It would assume a political shape on one side or the other? A. As a rule politics have found their way into a great many things. I cannot say how far it would go.

Q. Have you heard much talk about these appointments; I mean any grumbling or dissatisfaction among the people with regard to the present mode of payment? A. Yes; I have heard it talked of occasionally.

Q. Has it come up in your council for consideration? A. I don't know that it has come up in council at all; it is only casual conversation that I have heard in that way.

HENRY BIRD, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Q. Have you been connected with the municipal council for some time? A. For about five-and-twenty years.

Q. In what capacity? A. As councillor and reeve and clerk of the municipality.

Q. Have you had in either of those capacities a chance of observing the workings of the license law? A. Yes.

Q. In which of them? A. In its present shape; and also in its past, under the old mode of appointment.

Q. Speaking of the old mode; was the original mode by the people? A. By the council.

Q. The first was by the people? A. I mean particularly with reference to appointment by the council.

Q. And afterwards by the Government? A. Yes.

Q. Now, what would you say respecting it? A. With regard to the appointment by the council, I think it was unsatisfactory.

Q. That was speaking of how many years ago? A. That is speaking of the time prior to the adoption of the present Liquor License Law, known as the Crooks Act, and in its present shape.

Mr. HOBSON: Why do you say it was unsatisfactory? For what reason? A. Well, appointments were made by municipal councils because they favored this party or the other party, I mean with regard to the hotel interests, the liquor interests and the temperance interests, of the municipality; they were vieing with each other as to who would have the appointment, and they were pulling the wires of the municipal council in order to have this man or the other man appointed, and generally it resulted in appointments that were not very satisfactory, and the duties devolving upon the inspector if not wholly neglected were discharged in a very perfunctory manner.

Q. Have you any reason to think that the municipalities are anxious to get the power vested in them again? A. No; I think they are not sorry to be rid of it, and I think they are quite satisfied with the present state of matters.

Mr. ROBINSON: Q. Had it come up at all for the consideration of your council? A. Not at all.

Q. Had the appointment of any of these gentlemen named in the list come up at all, or been mentioned in the discussions in your council? A. No; none of them.

Mr. MASON: Q. And was there any difficulty, and if so what, with the license inspector who was removed? A. A license inspector; the first license inspector that was appointed in this riding, was the father of the late inspector. David Morow was the first inspector, and held the appointment until a short time before his death. At his death his son, the late inspector, was appointed.

Q. How long did he hold office? A. He held office all through the Scott Act. He must have held office for about ten years, at least. He had a very difficult task to perform, and I do not know that he committed any greater errors than other men would in the same position. I mean, of course, in the discharge of his duties. However, he was replaced by the present inspector not very long ago, after an investigation held by the chief inspector.

Q. Mr. Stewart? A. Mr. Stewart; yes.

Q Was there any disposition shown to impede the investigation? A. Not at all.

Q On the part of the Government or its employees? A. Not at all.

Q. Do you think a scheme would work successfully where the appointing power was in one hand and the inspecting power in another? A. No; I think it would work badly, in fact, it must of necessity work badly.

Mr. HOBSON: Q. In what way? A. Because the two interests sometimes clash.

Mr. ROBINSON: Q. Then the Government might do justice between them? A. Well, it is assumed the Government is the appointing party. Of course, the Government would have to settle the matter as between contending parties.

Mr. MASON: Q. Do you think the responsibility thrown upon the Cabinet is as good as one that would be thrown upon a commission, consisting of a warden, a sheriff, and a judge? A. Well, though I think the warden, sheriff, and judge would make a very good commission, a very good appointing power, I would prefer to leave it in the hands of the Government.

Q. You think there would be a sense of greater responsibility with the Government? A. Yes; I think the Government would be free from any local influences, and that the sheriff and the judge and the other parties would not be.

Q. I suppose that even the sheriff and the warden, no matter how good they might be, would be just as likely as other men to be swayed to a certain extent by local influence? A. No doubt; they are only human.

Q. And the fact of there being a warden, a sheriff and a judge would not change that very much, would it; that would not change their views or feelings as to local preferences? A. No; I do not think it would.

Q. The reason I ask you is, because in one or two places the same idea has been thrown out, apparently as though when a man becomes a warden, or a sheriff, or a judge, he got on a higher plane than what he had been occupying previously. A. Would not know himself in his new position.

Q. But on a higher moral standard than he had been hitherto? A. I suppose he would feel the responsibility.

Mr. ROBINSON: Q. You would not put it back in the hands of the council? A. No; decidedly not.

Q. Neither would you leave it to popular vote? A. No; nor as to any of the other appointments.

In reference to the general question of fees, I stated that I did not care for discussing the matter, as I could not suggest any improvement either in the method of appointment or payment for services rendered, but I think in fixing remuneration, the question of a reduction in the charges should be considered as being more just than the question of how to dispose of surplusage, and I think it bad policy to put three or more (or even two, where it can be avoided) offices on one man's shoulders, giving an opportunity to take in fees a much higher sum than the same individual could by any possibility make in any other line of life.

J. W. LITTLE, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. What is your business? A. I am a wholesale dry goods merchant and president of the Huron & Erie Loan & Savings Co.

Q. Have you been in any municipal offices? A. I was a license commissioner seven years.

Q. Have you had a list of the questions? A. Yes.

Q. What do you think is the best way of appointing the officers we are considering? A. I think they should be appointed as at present, by the Government.

Q. The suggestion has been made that they ought to be elected by the people or chosen by the county councils. Do you see any disadvantages which would be likely to arise from that change? A. Yes; I think they should be appointed by people who are responsible. It would be impossible for the county council to be responsible because there is no permanency to it. New councillors are elected every year, who are not responsible for the previous council, as in the case of a party government.

Q. What do you think of the system of electing them by the people? A. I think unless we are prepared to adopt the American system all through it would be a very great mistake, and I do not think we want the American system at all.

Q. Do you regard these as municipal officers in any sense? A. No; they are rather state or provincial officers.

Q. Then as to the manner of payment, what have you to say with regard to that? A. I think payment by fees is the most equitable way, because under that system those who receive the benefit of the services pay for them.

Q. I do not think there is any disagreement about that, as to the revenue being derived from fees paid by the persons who are benefited by the services, but the question is rather as to the manner of dealing with those fees, whether the officer should be allowed to retain the whole of them or whether he should receive only a portion? A. I do not think any officer should be allowed to receive an extravagant amount. It is impossible to establish a rule which would apply to all the officers, but I do not think any of them should be allowed to receive an extravagant amount.

Q. You would deal with each office on its own merits and the responsibility of the work and the amount of fees received? A. Yes.

Q. And grade the salaries according to that? A. Yes.

Q. Do you favor the principle of an officer getting a percentage of the fees received over a fixed amount? A. That would be entirely a matter of arrangement to fix what the amount should be.

Q. But if an amount is fixed do you think he should receive a percentage on the fees received in excess of that amount? A. I think that course would tend to make him more careful in the collection of the fees.

Q. You think it would conduce to efficiency on the part of the officer? A. Yes.

Q. Then what disposition would you make of the surplus remaining after paying for the officer's services; in what way do you think the surplus should be dealt with? A. I think the bulk of it ought to go to the municipalities, but if it were possible to reduce the fees, if the surplus became so large that the fees could be reduced, I think it should be dealt with in that way, because there is no reason why people who use these offices should pay more than the services really cost. The only difficulty is in making one rule apply to all.

Q. You think at present in the case of registrars that the county should get the surplus? A. Yes.

Q. Where assistance is required by the chief officer in what way do you think that should be provided and paid for? A. It should be paid for by the chief.

Q. And he should select his assistants? A. Yes.

Q. You would give him the entire control and place the entire responsibility on him? A. Yes.

Q. Would you have any supervision as to the amount the assistance should get, or would you leave that entirely to the discretion and judgment of the chief

officer? A. I would leave it to the chief officer, except a supervision in a general way. I do not think that anything should be allowed that is manifestly unjust.

Q. Do you know of any case of injustice in regard to the payment of the deputy? A. No, I do not; but I should think there would be no difficulty of that kind if the proper men were appointed. I think if the assistants were paid salaries fixed by the Government the business would cost a great deal more than it does now.

Q. I suppose in many cases now they require assistance at particular times, occasional assistance, and the arrangement for that can be better made by the officer? A. Certainly.

Q. Have you any complaints to make or have you heard of any complaints regarding anything connected with the present system as to any of these officers that seem to be well founded? A. I have not.

Q. I refer particularly to Division Court bailiffs and clerks; have you heard anything of the way they do business? A. There certainly is no reason to complain in this district. Our Division Court in this city has been particularly well administered.

Q. Do you make any suggestions as to any officers other than those mentioned in the list? A. No, sir.

Q. You have spoken of being a license commissioner? A. I was one.

Q. Some gentlemen have said that it is desirable to make a change and have the license inspectors elected by the municipalities. What do you say as to that? A. I think the result would be very unsatisfactory.

Q. Do you know why the change was made in the first place? A. The pressure of public opinion forced the change because of the abuses that existed.

Q. The license commissioners elected by the people were inefficient in their work? A. I do not think they were ever elected by the people. The inspector was appointed by the municipal council.

Q. And that did not work? A. No, sir.

Q. What was the trouble? A. Too much municipal control, aldermanic personal control.

Q. Favoritism? A. Yes.

Q. And I understand that the system of appointment by the central Government has proved very effective? A. It certainly has in this city.

Q. There is a more impartial supervision of the work? A. Yes; I have no personal knowledge outside of the city, but here I am perfectly certain it is administered impartially and fairly.

Q. In regard to the division of the registry offices, have you any opinion as to whether it is desirable to divide them in a large county and have offices in each of the ridings, or have only one office for the whole? A. I think in all cases the convenience of the public should be considered and each case dealt with on its own merits. If the convenience of the public can be served by putting a new office in another part of the county I think it would be wiser to do so, but no general rule can be applied.

Q. In regard to this particular county, of course the change has been made here, but apart from that do you think the interests of the county are better served by having two officers than by having only one? A. I was not a resident of the county at the time when there was only one office. At the present time I know of no reason for complaint regarding the existing state of affairs.

Q. You think the two officers serve the public well? A. Very well.

Q. Have you any opinion as to whether the county crown attorney and clerk of the peace should receive a fixed salary instead of fees? A. I think he should be paid by fees because it is so difficult to deal with him on a salary. In some places it would be impossible, because his whole time is not occupied. He should be well paid for the time he is occupied. It would be impossible to fix the salary. I would like to say this generally, on the question of fees, that where it is possible for any of these officers to regulate matters in such a way as to increase their business and thereby their fees, they should be surrounded by some safeguard.

Q. It has been said that county attorneys in some cases have incited people to litigation in order to increase their fees? A. I have no personal knowledge of any such case, but I think some safeguard ought to be provided against that sort of thing. I think first-class officials should get good pay. When you pay a poor price you generally get an inferior article, and I am not at all in sympathy with the cry for grinding these men down to the very lowest possible notch.

Q. You would not adopt the plan which has been suggested by one gentleman here of advertising for tenders? A. No; if I did I probably would choose the highest tenderer; I think a man who wants to work for nothing has generally a very correct estimate of what his services are worth.

Q. What would you say is a reasonable amount of remuneration for sheriffs and registrars? A. I think the man who has the greatest amount of work and the heaviest responsibilities ought to get the best pay; it would be difficult to apply any general rule.

Q. Which do you regard as having the heaviest responsibility, the registrar or the sheriff? A. I think perhaps the sheriff.

Q. Are you prepared to state any amount which you think should be the minimum? A. No; I would not like to say further than that they ought to be well paid. Each case would have to be considered on its own merits.

Q. Would you take as a criterion those who are filling positions of responsibility with financial companies, banks and so on? A. Yes; I think you would have to be guided to some extent by what a man could earn elsewhere.

Q. Salaries run from $1,000 and $1,200 to $1,500, $2,500, or $3,000? A. I would hardly think that is excessive.

Q. Have you anything else which you wish to speak of? A. No.

C. C McPHEE, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You have lived in the county for some years? A. Five years.

Q. You have a knowledge of the municipal system? A. A fair knowledge.

Q. And do you speak particularly of any of the officers in this list; have you a knowledge of any one more particularly than the rest? A. No.

Q. What do you think of the manner of appointing these officers? A. I am decidedly in favor of the present mode as opposed to appointment by the county council or the elective system.

Q. Why do you think the present mode is preferable? A. Broadly speaking, I think the appointee would be a better man as a rule, that more care is exercised in making the choice than would be the case if he were appointed by the council or elected.

Q. There would be as good a knowledge as to the suitability of the person in one case as in the other; you think the Government are able to inform themselves as to who is the best man to appoint? A. Yes; with the information at their disposal.

Q. You think they have the means of knowing, and they are also alive to the responsibility of making a good choice more than the county council would be, or the people if the officers were elected? A. Yes; and the responsibility is more direct, more easily traceable to them.

Q. Do you find that a small body exercises more care in making a choice than a large body does? A. Yes; it is so in every case.

Q. Where the appointing body is large the responsibility is divided, and they do not exercise the same care in action? A. No; that is my view. In one case the onus is direct, and in the other it is too much divided.

Q. Then what do you think is the best manner of compensating these officers? Ought they to be paid a fixed salary or allowed to receive the aggregate of the fees whatever it may be? A. I would not say the aggregate of the fees, the fees with a limitation.

Q. The present system is somewhat like that. The officers get the fees up to a certain amount for their own use, and the rest is funded, with a percentage to the officer? A. I would be in favor of a limitation of the total amount, that is, there might be a maximum amount even with a percentage.

Q. Have you thought of what should be the maximum and minimum figures? A. No; I have not. In a case where a man's total income is derived from that source one could arrive at a minimum figure, but where he has an income from other sources it becomes hard to determine on the figure.

Q. Do you think these officers should have other employments? A. If the receipts from their offices are not a sufficient and reasonable compensation for their time then they must have.

Q. But what would be your preference? Would you prefer that they should give all their time to the office, if possible? A. If the office be such as to afford them a reasonable compensation.

Q. In that case you think they should devote their whole time to it? A. Yes.

Q. You have not considered the amounts? A. I would fix the amounts by a comparison of others occupying positions with similar responsibilities, such as the managers of financial institutions. I think that would give as good a criterion as anything I know of.

Q. Do you go about much in the city and country? A. Well, yes.

Q. Do you know anything of any abuses connected with the manner in which the officers of the Division Court conduct their business? A. I do not know of anything myself, but I have occasionally heard complaints.

Q. What was the nature of the complaints you heard? A. That sometimes people who are ignorant regarding such matters are somewhat at the mercy of unscrupulous officials.

Q. How can that be dealt with? A. I have no suggestion to make as to the way of dealing with it at all. That is the only complaint I have heard in this connection.

Q. The only way would be to educate these people. There is no means of checking that by any official supervision beyond making a complaint to the inspector to redress grievances which are actually known to exist? A. Unless there were some wider knowledge as to what the province of the officials is, and as to the proper mode of procedure.

Q. If you have an ignorant man it is hardly possible to instruct him on those details of life? A. I don't know or any way in which it can be done except from the experience gained by coming in contact with these institutions.

Mr. ROBINSON: Q. Do you hear any grumbling in the community at all about the present way of employing them? A. I have heard the statement made in a general way that the proper parties to employ men are those who pay them; I have heard that general principle laid down.

Q. How would that work in business, that the customers who patronize a grocer should engage his clerk? A. I would not like to carry the principle out to its logical conclusion, but that is the only argument I have heard. I have heard no complaints in a general way of the facts as they exist, but simply of the principles.

Q. Then some of these officers require assistance to perform their duties; how would you provide for the employment and payment of deputies and clerks, or whatever assistants may be required? A. A deputy registrar must devote his whole time to the office; it is impossible to have one who can obtain a revenue from any other source, so far as his employment goes, and I think there ought to be some plan governing his salary, because to a large extent the detail work falls upon him, and I do not know that it should be left entirely to the registrar, who might be inclined to secure the services of a good man at too low a rate when he himself is getting good remuneration.

The CHAIRMAN: Q. It is said that that is regulated, as in other matters, by the law of supply and demand. The chief officer is responsible for all the business done in the office, and for the mistakes of his subordinates. Do you think that should operate to exclude entirely supervision as to the amount of salary? A. It is unfortunate that it does in some cases. It seems to bear very hardly in some cases, where it is a well-known fact that a clerk or deputy does a very large proportion of the work apart from taking the responsibility. I would not like to say that any fixed sum should be named, but there probably ought to be a minimum amount where the proceeds will stand it.

Q. Do you express any opinion as to what the minimum sum should be; would a good bookkeeper be the standard? A. Yes.

Q. What is the salary paid to bookkeepers? A. From six to eight hundred dollars; six hundred dollars is the minimum for a first-class bookkeeper.

Q. I believe the deputy in this office gets one thousand dollars? A. Yes. Well, I should say that is a good reasonable consideration for a faithful man.

WILLIAM WATT, Jr., by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. How many years have you been sheriff? A. Three years.

Q. Did you occupy any position before that? A. No; my business before that was law and newspaper work. I have lived in this county all my life. The population in this county is about 34,000; that includes the city of Brantford, the population of which is about 15,000. I have more or less knowledge of the different offices which are being inquired into. As to the manner of appointing the officers in question, I have prepared some answers which I will read: "In regard to the appointment of officials, if efficiency is to be preserved and uniformity established in the several offices throughout the province, the appointment must rest in a central authority to whom the official is responsible, and under whose supervision and inspection the work of the office must be carried on. This can only be accomplished by the officials being directly responsible to the Government and subject to its supervision and inspection. A divided authority would be sure to work injuriously to the interest of those who have business with these offices.

"Referring to my office more particularly, although perhaps a reasonable salary would be just as acceptable from a financial point of view, I consider the fee system the only just and equitable mode of remunerating the sheriff. A total change of the system and methods of doing business in the sheriff's office, and relieving him of a large share of the personal responsibility he now has, would be required to make payment by salary fair and just all round. And to confine a sheriff within close lines in administering his duties would greatly impair the efficiency of the office.

"Payment by salary would impair efficiency, because a sheriff would have no incentive to perform work and expend money which would bring no return, either to himself or to the public revenue. Under the present system there are many services he performs requiring considerable expenditure for which he receives nothing. He takes the bad with the good, and is willing to make every effort to perform the work committed to him, looking of course to the chance that he makes his fees out of it. For instance, he may devote a whole day and travel twenty or thirty miles in the effort to serve a subpœna or a writ, but if he fails to find his man he can make no charge for the service. He may travel as many miles to make a seizure, but if the debtor is worthless he gets nothing for his pains. As is frequently the case, he may make a seizure and take out an interpleader order, but the responsible party is worthless and he is out not only his own fees but the cost of his solicitor as well. Under a salary system such costs would have to be provided for, or a sheriff would be very careful about taking any steps he was not compelled to. He now has every incentive to perform services and make money for suitors which would be lacking under the salary system.

"Then again, the sheriff having his salary fixed, either an allowance would have to be made for assistance in the office, which must be open during stated hours,

and for bailiffs for outside work, or these assistants would have to be elected or appointed, as the case might be, at a fixed salary. In either case the cost would be necessarily in excess of what the cost is now, and in the latter the divided authority would be prejudical to the efficiency of the office, while the responsibility now resting entirely on the sheriff would have to be divided, the assistants having to be responsible for their own shortcomings, their appointment or dismissal being not absolutely in the hands of the sheriff.

"Supposing allowances were made for assistance, in practice it would be difficult to grade the remuneration, the outside work differing so much in different counties according to the size of the county and the number of towns and villages scattered throughout its borders. Where the sheriff is wholly responsible, he can make such arrangements as to work throughout his bailiwick as is suitable to the circumstances and to the run of business going through his office.

"The salary system would not only impair efficiency, but it would decrease receipts. Owing to the nature of most of the services in the sheriff's office payment in advance cannot be insisted on. The fees are proportionate to the service rendered, the necessary mileage and the different items of work required. They have to be collected by the officer after the work is performed, and are small, numerous and scattered over the province. He has now every incentive and will naturally make every effort to obtain them. With a fixed salary many such accounts would go unpaid. Not only would the official make less effort to collect, but the legal gentlemen who contract these accounts, knowing such fees did not go personally to the sheriff, would be much slower in liquidating, and some of them are pretty slow now.

"So also in those cases mentioned before where no service or no money made, no fees, the salaried officer would naturally take no more risk nor pay out in expenses any more money than he has to.

"The salary system will also increase the expenses of the office. Now, a public official has every inducement to manage his office on the most economical scale. He must give efficient service to make his fees, but that being done, his own pocket induces him to guard against any extra expenditure. With this in view, sheriffs employ as bailiffs those who are engaged in similar work in the Division Court or elsewhere. The fees allowed for bailiffs' work, except in a few counties, would not pay a man to devote his time and horse-flesh to it for sheriffs' work alone. It is only by allying it with other work in the same line that the sheriff can have a bailiff ready at all times and all hours to perform services for him. So in every department of his official duties he cuts his expenses as close as he can, commensurate with the prompt and efficient discharge of the duties required.

"I fail to see in what direction a fixed salary could place the performance of the sheriffs' duties on a more efficient or satisfactory basis, or bring more into the municipal or provincial revenues than has been provided for by recent legislation, provided, of course, that the salary given is at all commensurate with the responsibility and prompt action so often required. It might decrease the receipts of some officials, but it would not put a surplus into any public treasury, and it would certainly affect the tone and efficiency of the office against the interests of the public who make use of it.

"As to the other officials the same reasoning applies to a certain extent. The fee system is an elastic one, which enables an official to meet the requirements and necessities of the public as the business of his office increases or decreases. Under a salary system many of the smaller offices would be a burden on the

provincial revenue. Under the fee system every office pays its way from the fees paid by those who use it, while the rake-off which the Government now takes from the receipts of the larger offices makes the system about as perfect and as useful to the public as, in my opinion, it can be made.

"The returns from all the offices show that for some years the fees have been gradually decreasing, and unless it be in the large city offices, it is imperative upon the fee-paid or fee-fed official to devote the most of his time to the careful management of his office, if it is to provide him the income upon which he has to live and provide for his family."

The CHAIRMAN: Q. Then you think that payment for these services by fees which are paid by the persons served is the correct way of raising the revenue? A. That is my opinion.

Q. And the sheriff or officer gets paid out of those fees with what you call a rake-off, that is, if the fees amount to more than the sum fixed as a fair living salary, the surplus goes to the Government with certain percentages which the officer gets; you state there that that is nearly a perfect system to secure efficiency and to induce a prompt collection of the fees, that is the substance of what you say? A. Yes.

Q. In some of the States the sheriffs are not required to perform any service, and it is the same in other offices also, until the fees are paid in advance; what would you say of that? A. I do not see how it could be done very well under our system because it would be almost impossible to tell what the fees in any case would be until after the services were performed.

Q. I do not suppose the public would care for that system either, the people for whom the services are performed. It might be prejudicial in that way, but it is one of the things tried in the States? A. I think it would be the better way to have the fees paid in advance if it could be done, but I do not think it is practicable.

Q. That would be less trouble to the officer, but more troublesome to those that have to pay. A. Yes.

Q. And as the system is now, you have to chase your fees sometimes, and sometimes lose them altogether. A. Yes.

Q. If a salary were paid to the officer he might lose sight of the smaller fees? A. Undoubtedly.

Q. What assistance do you require? Do you require any permanent assistance? A. No; I attend to the office duties myself.

Q. Then do you find it necessary to work longer than what is known as office hours? A. No, I do not, except in special cases; I may have a special call sometimes.

Q. To which you give heed although it is out of office hours? A. Yes.

Q. Then you think it is right to fix the amount, if the fees are more than sufficient to give an adequate remuneration; upon what should that fixed sum be based? A. I do not think the amount should be fixed.

Q. But it is at present in the case of the sheriffs. You have for your own use what you receive up to a certain amount? A. Yes; you refer to fixing a certain amount, and then paying over the balance.

Q. The Government have drawn a line, they say that up to a certain point —— ? A. Up to two thousand dollars.

Q. Have you reached that amount ? A. No.

Q. Upon what should the Government proceed ; what would you suggest as to the data to be taken into account in fixing the amount at which the officer should begin to account for the surplus ? Well, I think it ought to depend upon the responsibility of the office and the amount of business that goes through the office.

Q. And the population, that of course is an element ? A. Yes.

Q. That is taken into account in the States ; I think they base it on population there. In some of the States they have their counties graded ? A. I think in some of the counties, take Brant, for instance ; this is a small compact county, containing perhaps a larger population than a county like Simcoe or Grey, and the work of a sheriff in one of the latter counties is much harder. There are small towns scattered over the county, so I do not think you could very well base it entirely on the population.

Q. Well, on the extent of territory, the population and the amount of fees received for a certain period ; those elements might give a line on which you might say the amount after reaching which he ought to account ? A. Yes.

Mr. HOBSON : Q. It is somewhat more costly to live in a large city ? A. Yes ; it costs more to live in Toronto, for instance, than in a smaller place.

The CHAIRMAN : Q. I suppose that is one exception ? A. Yes.

Q. Although I don't know whether clothing and provisions are higher there ? A. They are cheaper in Toronto.

Q. You have referred to some of the other offices ; are there any of them of which you know more than others ? Have you heard any complaints made about the Division Court clerks or bailiffs in this county promoting or fostering litigation in order to get money out of it ? A. No ; I have heard no complaints.

Q. Have you heard any complaints about the amount of fees charged in the registry office or other offices ? A. No ; I have not heard any complaints against any of the officials in this county.

Q. There is one matter which has been mentioned, the only thing I think to which objection has been taken, and that of course is based on the judges' tariff, but it is said that it is unreasonable that the sheriff should get a dollar for searching a name when the same search in the registry office is only twenty-five cents, that is a search for an execution ? A. It is only thirty cents in the sheriff's office. A certificate of no executions is one dollar and five cents, that is the tariff, but a search is only thirty cents.

Mr. MASON : A certificate in the registry office is only twenty-five cents.

The CHAIRMAN : Q. Can a person search himself ? A. Yes ; anybody can search in my books.

Q. But the practice is for you to search and give a certificate ? A. I do not give a certificate unless they require it. The certificate is usually only taken out when it is required to go before the master.

Q. And if they want to fix you with responsibility ? A. Yes.

Q. If they want to hold you liable for any mistakes they take your certificate? A. Yes.

Mr. MASON: Q. How many certificates on the average do you issue? A. Not more than three in a month.

The CHAIRMAN: Q. That is generally in the case of transfer of lands? A. They do not take out certificates as a rule in transfers of land. The lawyer searches the office.

Q. He has to attend to his own search? A. Yes; and does not pay for a certificate.

Q. In what cases are certificates given? A. I think principally to land companies at a distance, and for use in proceedings in the master's office.

Q. Is there any other matter regarding which I have not asked you? A. No; I think there is nothing else.

THOMAS LLOYD JONES, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. What municipal positions have you held? A. I am ex-warden, and have been in the council some time; I have lived here all my life.

Q. Have you had a list of these officers? A. Yes.

Q. What do you think is the best way of appointing them? A. I believe all officers whose duties partake of a judicial nature, or who are in any way connected with the court should be appointed by the Government. I except the bailiffs of the Division Court and the clerks; I think the old system of appointment by the county judge was the proper way of appointing them.

Q. What do you say as to sheriffs? A. I would leave them in the hands of the Government.

Q. And the registrars of deeds? A. The office of the registrar is one in which the fees come directly out of the people, and it should be so arranged that the appointment should be in the hands of the county council, and all the fees should go to the county treasury.

Q. That is the only officer who would be covered by what you say, the fees coming from the people; he should be appointed by the county council? A. It is my opinion that that would be satisfactory.

Q. You have arrived at that conclusion as the result of your own observation? A. Yes. I think his salary should be arranged by the county council. I think the fee system is correct. Those who do business in the registry office should pay for it. I think that over and above a reasonable amount of salary the fees should go into the county treasury for the benefit of the county. It is the county registry office, the county has to bear the expense of maintaining it, and I think they should get the surplus, if there is any. As to the amount of salary, I would say from fifteen hundred dollars to two thousand dollars a year, and I would allow no percentage beyond that no matter what amount of business they may do, I think all above that should go into the county treasury, instead of the registrar getting a percentage as at present. I would not at all advocate any of these officers being elected by the people. I think our system is far preferable to that of the United States.

Q. Having our present system, do you think there is any reason for making a change, do you feel strongly enough, for instance, in regard to the registrarship to say that there should be a change? What benefits would flow from the change? A. Well, the appointment would be directly in the hands of the people, or rather the council.

Q. Would you get better service, or better men, or better supervision and more efficiency in the discharge of the work? A. I think if the registrar made his returns every month to the county treasurer, the auditor might be the inspector, he would inspect the books, and any discrepancies would be very quickly detected. Under the present system I think that is rather difficult to do.

Q. Why do you think the matter would be better managed if the county council appointed than if the people elected? A. I think the elective system is very cumbersome, and I think the four years or any short term is a great mistake. Take the office of registrar, for instance, I think it is a great mistake to make a change in that office by the voice of a certain number of the people every four years.

Q. You put the registrar on the same footing as the county treasurer? A. Yes; all the judicial officers connected with the courts I think are best under the present system.

Q. You have spoken as to the payment of registrars, how do you think the other officers, those appertaining to the courts, should be paid? A. You mean whether by fees or salary?

Q. Yes. A. By salary, certainly. Of course, fees should be collected, and out of them a fixed salary should be paid.

Q. With any percentage over a certain amount? A. No.

Q. Why are you opposed to allowing a percentage on the fees collected over a certain amount? A. Because a man employed to do certain work by the day or year should give all his time and do efficient work during that period. He should be paid for the time he works.

Q. If it were found in practice that a better revenue was derived by allowing the officer a percentage on the fees collected above a certain amount, would you still be against it? A. I think it is unnecessary, the man is paid for his services.

Q. The sheriff says that the services they render are not paid for at the time, that they have to give credit, so to speak, sometimes, as they cannot state what the fees are until the services have been performed, and that sometimes there is great trouble in making collection. If an officer has an interest in the fees, he makes every effort to collect them, but if he gets a certain salary he will be content when he has collected them up to the amount of that salary, and not be so likely to look closely after these unpaid accounts, but where he is allowed a commission on the fees above the fixed amount he is on the alert to collect all he can? A. I think a salary is the proper thing; he is paid for doing his duty, and if there is nothing to collect from he cannot collect because there are no goods, but if there is he is responsible for not collecting.

Q. There are a great many other charges? A. Certainly, in the case of legal gentlemen running accounts on time, he should be held responsible for any delinquencies. You take any business, a bookkeeper or overseer, and he is held strictly responsible. I think a reasonable salary would be more satisfactory all

round. Of course, the amount of the salary depends on the volume of business, and to some extent upon the location. In the city of Toronto, for instance, it costs more to live than in other places.

The CHAIRMAN: Q. Then the change you would make would be to have a fixed salary paid out of the fees, and no percentage allowed above that? A. Yes.

Q. And he should devote his whole time to the duties of his office? A. Yes; to the work of the office and its supervision.

Q. He should give his whole time to it? A. Yes.

Q. And get whatever help he needs? A. Yes; and get a proper allowance for that.

Q. Would you have that determined, what help he should be allowed and what pay they should get? A. Yes. If it was left to the county council, but if he has a deputy or official he should be the person selected.

Q. The salary might be arranged by Government inspection, to see that he had a proper sum? A. Yes; to see what work was done. In banking institutions, which although private enterprises are practically public institutions, the managers are chosen and engaged by the board of directors, but the Government inspectors walk in at any time and inspect the business. I don't see why that could not be done in the same way in the registry offices.

Q. Did your mention the sum which you thought would be a reasonable salary for registrars and sheriffs? A. Yes, $1,500. It depends a good deal on the locality.

Q. Did you mention the county attorney also? A. No; I don't think we farmers are competent to say what members of the legal profession should receive.

Mr. HOBSON: Q. Referring to what was said about the officer not being so alert in collecting all the fees, do you think in the registry office he should be likely to collect the full amount of the fees where a man went in to make two or three searches? He has no personal interest whatever in it, and may be on friendly terms with the man. He might let it go at a dollar, instead of collecting the full amount for each search? A. I think there should be a fair scale. I have often been struck with the idea that public officials in public offices are called upon to give a large amount of security, and in doing that they go to their friends. It is a very unpleasant thing to ask, and I would suggest that all public officials who give security should get it from guarantee companies, and the cost be charged to the expenses. When a man has to go to his friends for security he is under an obligation to them, and it seems to me that that is unpleasant, and may sometimes place an official in a false position.

The CHAIRMAN: Q. I think most of the recent appointees have given their security in that way.

Mr. HOBSON: Q. We know that in these offices the work varies a good deal, there being some years twenty per cent. more than others. Would there not be some difficulty in arranging the salary in such a way as to be fair to the office holder? Of course, the greater the volume of work the larger his responsibility. There would almost necessarily be some consideration of that required, I suppose you think the inspector would regulate that? A. Where there have been commutation it has been based on five years. This might be arranged in a similar way.

Mr. MASON : Q. Has there been much discussion about this matter as far as you know ? A. No, very little. I think the election of the officers every four years might be to some extent popular among a certain class, thinking perhaps that some of their friends might then get into office who could not otherwise do so. But so far as I know there has been very little talk about it.

Q. The question has come up more with regard to salaries being excessive ? A. Yes. I have always thought since the change was made by which the registrar gets a percentage over a certain amount, that the change should have been the other way, that the registrar should have got the percentage and the county the balance.

Q. I understand from you that you do not as far as you are concerned insist upon the registrar personally devoting his time to the actual work so long as the work was done by somebody ? A. Certainly. I can understand in some counties where the work is nominal he could do it all, and in that case I think where the county treasurer had not sufficient I would give the appointment to him, so he would get salary sufficient to maintain him. But for a man to spend a portion of his time in a certain business, and a portion at his own business, I do not think is good. In this county we have no right to complain of our officials, because they have always given particularly good satisfaction, they are very good.

GEORGE WATT, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows :

Q. Were you in any other municipal office before you were mayor ? A. Yes.

Q. For a long time ? A. Yes.

Q. You know the class of officers we are dealing with ; I suppose you have had a list submitted to you ? A. I know some of them, not much.

Q. You know how the officers we are at present dealing with are appointed ? A. Yes.

Q. Do you think any change should be made in the manner of their appointment ? A. I think there should be some change in some of them, not in all.

Q. Mention those in which you think there should be a change ? A. I think the registrars and local masters ought to be appointed by the people.

Q. Registers and local masters ? A. Yes.

Q. What as to the others ? A. The sheriffs in the same way, by the people.

Q. Any of the others ? A. Yes ; I think the Division Court clerks and bailiffs ought to be appointed by the people.

Q. Why did you select the local masters as officers who should be elected by the people ? A. I think they are generally appointed on political grounds, and I think that ought to be done away with.

Q. Are not county attorneys likewise ? A. I don't know ; I suppose they are the same.

Q. Then would you have the judges appointed, because the local masters are almost judges ? A. No ; I don't think I would ; I don't think the people could judge very well about them.

Q. Well, the local master is a judge in all but name, and if the office falls vacant now it generally goes to the county judge. A. They are not generally lawyers.

Mr. MASON: They must be barristers.

The CHAIRMAN: They are all barristers? A. I don't think our clerk here is, Mr. Rubidge.

The CHAIRMAN: He is a deputy registrar of the High Court; he need not be a lawyer. A. That is what I meant.

Q. Then as to registrars and sheriffs, you would have them elected by the people; for how long would you have them hold office? A. As long as a member of Parliament would hold office, four or five years.

Q. And Division Court clerks and bailiffs for the same time? A. For the same time if there are no complaints against them.

Q. If there are complaints against them they get dealt with at once? A Yes.

Q. Why would you have them elected every four or five years? A. It is just as easy to elect them as to elect members of Parliament. I think we would have better men, better service. I think that they ought to be paid by salary in place of being paid by fee, as the registrars are.

Q. You mean the registrar of deeds? A. Yes; I don't think they ought to be paid by fees, they ought to be paid by salary.

Q. Would you have no fees collected? A. Oh, yes; but they would go back to the county.

Q. And then have a salary paid out of the fees? A. Yes.

Q. And you would have enough fees collected to pay the officer? A. Yes; and I think there would be some overplus.

Q. It would be better not to have any overplus, just enough to keep the office self-supporting? A. In most places there is more than that.

Q. Would it not be better to reduce the fees? A. If the office is run that way I don't see much difference.

Q. Would it not be much more expensive to deal with the officers in that way, by electing them, than by appointing? A. No; they could be appointed in the same way as in municipal or other elections.

Q. But these Division Court clerks and bailiffs would have to be elected each in his own little area? A. By the people, the same as the councillors.

Q. By the people of the particular division to which they belong? A. Yes.

Q. Then there would be a likelihood of contested elections, would there not, if there were salaries attached to the offices? A. No; I don't think so.

Q. But would not the people be anxious to get these offices? A. There are very few contested elections in municipal matters.

Q. Because it is only for one year, and there is no salary attached to it; but here is a man getting a good office for four years, would not his rival be likely to contest the election? A. You generally get better men that way.

Q. I was asking you whether it would not be likely to give rise to a great many contested elections, would not there be a tendency to distribute a little money so as to make the thing run smoothly? A. I think not.

Q. Is not that the probability? A. It is not the probability I am talking about.

Q. Yes, you are; because you think they would get better men? A. I think we would.

Q. Well, I am asking you would not there be money distributed in these elections where there was an office with a valuable salary at stake? A. I think not, there is not much spent in other municipal or county elections.

Q. Do you know what has been the experience in the United States where that system of electing the officers has prevailed? A. No; I don't think we are as corrupt here as they are.

Q. They think they are a little more civilized than we are? A. I think they are not.

Q. Why do you advocate a change? A. I think it would benefit the country, we would get good officers, and get them cheaper.

Q. You mean at lower salaries? A. Some of them have not too high a salary; I don't think the sheriff here has too high a salary, as far as I know. It has been rather bad times for registrars, I think there is not much change of property at present.

Q. How do you think the salaries should be reduced, would you pay these men less than the present statute allowance? A. What does it allow?

Q. Registrars commence at $1,500? A. I think they get more than that here.

Q. And the sheriffs at $2,000? A. Yes; I think the sheriff or registrar should get about $2,500 a year.

Q. Then you would not get cheaper officers by election, because you can have just as cheap officers now by regulating their salaries? A. I think our registrar makes more than that.

Q. He made $2,000 last year? A. This last year was a very bad year, there has been no changing of properties, and very little registration; his business is just like any other business, it is dull at present, but it is not always so.

Q. What means would the people have of knowing better as to the capacity and competency of the officers than the Government has? A. They know more about them, because they live in the county.

Q. You say they know more about them. Take the average voter in the county and what would he know about a sheriff to be elected for the city and county of Brant? A. He would know exactly what the sheriff is.

Q. If there was an election for the office of sheriff how would he know? A. In our own county here the people know all about each other. The people know each other very well in the city of Brantford. The people could choose far better than the Ontario Government.

Q. How would you choose outside of the city, you know there is only one sheriff for the county and the city? A. I think we could get just as many as we want, I am speaking of the whole county.

Q. Do you know of this plan having been tried anywhere? A. No; I do not.

Q. It has been tried to some extent in the States, do you know how it has worked there? A. I do not.

Q. What has led to the discussion or broaching of this question now? A. I think the people are a little dissatisfied with the way some of the transactions have been carried on.

Q. Do you mean as to appointments? A. Yes; as to appointments.

Q. Will you indicate in what way? A. In the way of appointing the officers, I think the people of the county and the city ought to appoint their own officers in place of the Ontario Government appointing them.

Mr. HOBSON: Q. Every one so far has spoken very highly of the officers in your county? A. Yes; I have nothing against the officers at all, it is only the system. I think we have just as good officers as they have anywhere in the Dominion of Canada.

Q. But you think they would be better if they were elected? A. Very likely if the officers were elected the same men would be elected, they are very fine men.

Q. The appointments have been good, and it is only the general system you complain of? A. Just the general system.

Mr. BROOKS: Q. You think the services would be got cheaper for the country? A. Yes. I am not so much acquainted in the country as I am in the city.

ARCHIBALD HARLEY, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. What is your occupation, and what position do you hold in the municipality? A. I am a retired farmer, I was five years reeve of the township of Burford, and one year warden of the county of Brant. I have lived about twenty-eight years in the county.

Q. And you have had dealings with some of these various officers? A. With some of them. I have never been unfortunate enough to deal much with the sheriff.

Q. Except in the way of coming across him as a friend? A. No.

Q. Have you formed any opinion regarding the manner of making these appointments? A. I am not in favor of any change. I think the present appointments are giving general satisfaction, the appointments made by the Government.

Q. And you do not see any reason for making a change? A. No.

Q. Because you find no complaint? A. No.

Q. And you would not make a change for the sake of changing? A. No; I think in this county we have a good staff of officials, and I have heard no complaints against them.

Q That applies to all of these officers? A. Yes, sir; of course, I am not particularly acquainted with the duties of many of these officers, but I have come in contact with them a good deal for a number of years. I was one of the auditors of criminal accounts in this county, and was thrown in contact with county crown attorney and sheriff.

Q. Have you had any experience in the way of the charges made, as to whether any of them should be reduced? A. No, I do not think so; I think the charges are moderate.

Q. The next question is as to how the officers should be paid. They at present collect fees. I do not think it is suggested that fees should not be collected from the persons for whom the services are rendered, but the question is as to the disposal of the fees? A. I think the officers should be paid by the fees instead of salary.

Q. The sheriff at present is allowed to receive the fees up to a certain amount, and the remainder of the fees, a percentage of them being retained by the sheriff, goes to the municipality? A. Yes; I think there should be a limit to the amount of the salary.

Q. What do you say as to that, what limit do you place upon it? Do you mean the limit that the officer should receive without any percentage? A. I do not think that the maximum salary of an official outside of the city, that is a registrar or sheriff, should exceed two thousand dollars.

Q. I do not think it does, unless perhaps some of the registrars make more. You think two thousand dollars should be sufficient for registrars and sheriffs? A. I think that should be the outside figure.

Q. The scheme is proposed now to draw the line in the case of sheriffs at two thousand dollars and registrars at one thousand five hundred dollars, and as to the sheriff, if he collects more than two thousand dollars, he pays over the surplus, deducting a certain percentage as it were for his trouble in collecting the extra amount. Would you favor that, or do you think that everything over a certain amount should be paid over to the municipality without any deduction? A. I think if the sheriff gets two thousand dollars salary he should devote his whole time to the work, and I think that should cover the collection.

Q. The idea is that the sheriff is more alert in collecting all the fees that can be collected when he gets a certain percentage on them even after the amount of his salary is reached. The system is based on that, that he will not be content when he has just collected the amount of his salary, but will go on and collect all that can be collected? A. Yes.

Mr. Hobson: Q. Then, of course, his responsibility increases in the same ratio as the business increases? A. Yes; I think the sheriff is a more responsible officer than any of the others, and of course the more business comes into the office the greater his responsibility.

Q. Have you heard any complaints in the country of extortions or anything of that sort on the part of Division Court officers? A. No; I have not.

Q. Then I understand that you are in favor of giving these officers fair salaries and obliging them to devote their whole time to the work? A. Yes; that they should not engage in any other line of work?

Q. Are there any other matters about which we have not spoken regarding which you would like to make any statement? A. No, sir; I don't know that I have.

Mr. MASON: Q. With the exception of the city of Toronto there is no sheriff who is paid over the amount stipulated. They are not up to the level. A. Indeed.

Mr. BROOKS: Q You say you approve of the appointments being made as they are now; what would be your objections to having these officers elected by the people or appointed by the county council? A. My objection to having them elected by the people would be that I think it would inaugurate a system of political wire-pulling. As it is now when a man receives an appointment he drops out of politics, but if he were elected by the people he would continue to be a politician, because he would expect to go back to the people for re-election.

The CHAIRMAN: Q. The suggestion has been made that the elections by the people should be for life, or during good behavior, and that that would obviate the objection which is found to exist in the States, where the elections are for short terms. Do you think that would cure the evil? A. I don't know that that would make them any better. Then I think if they were elected by the people the Government would not exercise the same supervision over them that they do now.

Q. We have been told that you have a population of 34,000 in this county. If the registrarship were vacant, and a man was to be elected by the people, do you think those 34,000 people could make a good selection? A. I suppose in that case candidates would be brought out in the same way as for the Legislature

Q. Who would bring them out? A. The political parties; it would be worked on the same lines as Parliament.

Q. They would split on politics, and a man would be run as a good running candidate without much reference to his qualifications? A. Yes; that is it, exactly. It is not always the man best adapted to a place who is elected by popular vote, that is certain.

Q. Then what would you say as to appointment by county councils? A. I don't think that would do either.

Q. And you have been in council? A. Yes.

Q. What is the number of your council here? A. It is very small, only about thirteen.

Q. That is quite a manageable body? A. Yes; but if there was the patronage I think there would be considerable wire-pulling.

Mr. HOBSON: Q. Do you think it would be quite fair for the county council to appoint the sheriff and the city to have no say in the matter? A. No.

Q. And the same would hold good regarding the registrar? A. Yes.

The CHAIRMAN: Q. You have only one registrar? A. Yes.

Q. You don't think that would work nearly so well as the present system? A. No.

Q. And you don't see any reason for changing the present system? A. No; I think the public are well served now, and any change in the way of appointing these officials, whether by appointment by the county council or election by the people would be rather a doubtful experiment.

CHARLES E. PEGLEY, Q.C., by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

With regard to the present system of appointment of public officials, I think it should be modified. The salaries of all the officers should be fixed in each county upon the amount of work done and fees collected as shown by the returns from each office for the past (say) three years. In each office the books and business of the office should be so kept that at any time an incoming officer could take up the business of his predecessor and carry it on without any difficulty. The officers should be liable to removal from one county to another, and should be removed every five or ten years, or oftener, as required, in the same way as bank managers are removed. Each incoming officer should be required to report to the inspector any irregularity of his predecessor. Fees should be paid in stamps, and accounted for. Appointment of all officers paid by the Government should be by the Government; all other officers by the county council. County attorneys, clerks of the peace, deputy clerks of the crown and registrars and masters in chancery should be appointed by the judges of the High Court of Justice, or such appointment approved of by them. There should be a regular system of inspection by a duly qualified inspector. Each officer should be obliged to keep stamps and be charged with all stamps furnished him, and account for them either in cash or stamps. My reason for the removal of officers from one locality to another is that local influences would be rendered less effectual, uniformity of practice would be attained, and carelessness, which is the result of long continuance in office, would be to a great extent avoided, as the official would never know the moment he might get marching orders, while the hope of being removed to a more lucrative place would stimulate him to excel in the performance of his duties.

Q. You favor a change of the officials because you think there would be better inspection? A. Easier to check each other, and there would be better inspection.

Q. Why do you recommend any of these officers to be appointed by the counties? A. I only recommend such as are paid by the counties to be appointed in that way.

Mr. HOBSON: Q. Which of them are appointed by the county? Certainly not the sheriff or registrar—they are paid by the individuals who make use of the office? A. I do not know that any of them are paid by the counties directly.

The CHAIRMAN: Q. Would you be in favor of appointment by the county council rather than popular election? A. Yes; I am not in favor of popular election.

Q. Why not, if they were elected for life, or during good behavior? A. Because then it would be more or less of a political appointment. I think all of these officers ought to be appointed on account of their special fitness for the office.

Mr. BROOKS: Q. Do you think that is considered now? A. No, I do not; I cannot give any particular instances, but I do not think the system leads to that.

Q. Why would you give the appointment of some of these officers to the judges? A. I think that is very necessary. For instance, the master in chancery is a judicial officer, and it is very important that he should be a man of good legal acquirements. I consider that in this county he exercises as important functions as any judge; very important questions come before him in regard to which he is made a judicial officer.

Mr. HOBSON: Q. While we all admit that the judges are above suspicion, it seems to me that you must bear in mind that they would not be responsible for the appointment, and would not there be a little tendency to appoint their friends? A. No; I do not think so; I have too high an opinion of our Superior Court judges to think that.

Q. But they are not a responsible body? A. That may be. I would modify that. Suppose they were appointed by the Government with the approval of the judges? We know the appointment of master in chancery is a very important appointment, and while the Government might appoint a very good man in his way, yet he might not have those qualifications which the judges would know whether he had or not.

Mr. MASON: Q. The Government appoints the judges themselves? A. Yes, that is true; but that is an outside appointment.

Q. But it is a still more important appointment. If they can appoint the judges why cannot they appoint to a less important office? A. Simply because the judges I think would have a better knowledge of the persons appointed.

Mr. HOBSON: Q. A great many of the leading men in the Government are quite conversant with the qualities required? A. Yes; but at the same time they have not that intimate knowledge of the profession which the judges acquire from their circuit duties.

The CHAIRMAN: Q. I do not think the judges would care to have the patronage. I know many of the County Court judges are glad to have been relieved from the duty of appointing the Division Court bailiffs? A. I do not think the judges would seek to have that power, but that is one reason why it should be given to them.

WILLIAM S. CALVERT, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are warden of the county of Middlesex? A. Yes.

Q. How long have you been warden? A. Just this present year; I have never been warden before. I have been a member of the county council nine years now. I have lived in the county fifteen years. The population of the county of Middlesex is 67,000 or 70,000 outside of the city. When we lost London South we had about 3,000 more. Those figures are exclusive of the city. I have had one of the lists in question calling attention to the officers under consideration. As to the manner of appointing any of these officers, I wrote to Mr. Fleming in answer to the communication he sent me a short time ago. I did at one time think that some of the officers outside of those connected with the administration of justice could be handled very nicely by the county, but after giving it a little futher consideration I have come to the conclusion that the appointments are better just as they are.

Q. What led you to form the first view and afterwards to change it? A. I felt that perhaps some of the officers were receiving larger salaries than were

really necessary for the fulfilment of the duties connected with their offices, and I felt that if the county council had the appointment we could fill the positions with good men at perhaps a little less salary, or less fees than they are receiving now. Of course, the fees would remain the same, the officers would be paid a salary and the balance of the fees would go to the county. I was one of a deputation which waited upon the Government in connection with the fee system on behalf of this county, and we laid before the Government the opinion of the county council regarding it. They were of the opinion that some of the officers might be appointed by the county council and paid salaries, but the reeve of Biddulph and myself, after looking into the question came to the conclusion that perhaps the only one who could be so appointed was the registrar, and as I said, after thinking the matter over a little further, and taking into consideration that it is necessary to have an inspector for the office and so on, we decided to lay before the Government that if they were not in favor of making it optional for the county council to appoint them, we suggested that the tariff scale should be amended just on the basis as introduced by Mr. Ross.

Q. That is not to reduce the individual charges, but to reduce the amount received by the officer? A. Yes; and the balance of the fees over and above that to go to the county.

Q. Was the present legislation suggested by your action? A. Well, I could not say.

Q. I mean that it is acceptable to you instead of having the appointments changed. A. Yes; that was acceptable to me.

Q. Then you think that the offices may properly be filled by the Government, and that there is no object in turning over the control of them to the municipality so long as the amount of fees received by the officer is a reasonable one? A. Yes.

Q. The only object you had in view was economy? A. Yes.

Q. Which of course would be managed as well by Governmental as by county control? A. Yes: I think so.

Q. Then following out this line of inquiry, why do you make a distinction between the registrars and the other officers? A. We took it for granted that all the other officers were concerned in the administration of justice.

Q. In your county you have two registrars? A. Yes.

Q. What do you say as to the advantage or otherwise of that division in the interests of and for the convenience of the public? A. The division was made many years ago, and I do not think any attempt to change it now would be popular. It is certainly an advantage to the people in the western part of the county, as they can get abstracts and so on from Glencoe a little quicker than they could from the city here, and frequently instead of getting abstracts, people are able to call and search the books for themselves personally, which only costs twenty-five cents, whereas an abstract would cost a good deal more. The change was made in Sandfield McDonald's time.

Q. Do you know why the division was made? A. I can hardly tell you that.

Q. It has been suggested that the revenues were very large, and that instead of funding the fees he divided the county? A. Well, of course the fees

were much larger in those days than now. London East and London South were in the county at that time, and certainly there would be a large amount of fees from both of those places, much larger in proportion than in the country districts. I understood that the fees were quite large at the time Mr. Ferguson had it.

Q. But the office having been divided, you think it would not be wise to reunite it? But taking the question apart from the particular circumstances, where you have a thickly populated county, would you be in favor of centralizing the office or of making a division of the registry office? A. You mean if there was no division at present existing?

Q. Yes. Do you think there is any object in severing the offices, or would you have just one office for the whole? A. Of course, as a matter of dollars and cents it would be better to have just one office. As far as the people are concerned I think perhaps it is better as it is.

Q. On the same principle on which Division Courts are divided? A. Yes.

Q. Although the expense of having two offices may be more than that of having one? A. Certainly.

Q. I suppose there is not very much really at stake on that. I suppose there will not be many more divisions wanted now.

Mr. BROOKS: Q. Are not the facilities for getting around the county much better than they were years ago? A. They are not very much changed in our county. Of course we have the C. P. R., but that is no particular advantage to the people because they could go around just as well before the C. P. R. was built. There has been very little change for a number of years as far as the roads are concerned.

Q. Are not the country roads better than they were years ago? A. In this part of the country they have been good for a number of years. Of course where we have clay roads we are endeavoring to gravel them and improve them in that way.

The CHAIRMAN: Q. Have you heard any complaints of the officers of the Division Court being troublesome in the way of promoting litigation or fomenting trouble to enable them to earn fees? A. I have not heard anything in connection with the Division Court.

Q. We have dealt with the subject of the appointments. What do you say regarding the compensation of these different officers? Of course, you have stated that you think the people for whom services are performed should pay for them, and also that the officer should be paid out of the fees a fixed amount to start with, and then a percentage on the sum collected over and above that amount. You have indicated that as what you approve of already? A. Yes, sir.

Q. You spoke particularly with regard to the registrars. Do you mean to apply that to the other officers? A. Well, I made a little note some time ago of the fees received by some of the officials in this county. The gross receipts of the registrar for North-east Middlesex in 1890 were $4,266.50, and in 1891 $3,618; in 1892 $3,629, and in 1893 $3,904. I have not got the disbursements for 1890-1, as it is not in the report, but the disbursements for 1892 were $665, which left the net receipts $2,779.50, and for 1893 the net receipts were $2,836. He paid into the county in 1892 $185.40, and in 1893 $271.45. Now it costs us a good deal more than that to keep up the office, and we were of the opinion

that the fees collected in that office were ample to pay the registrar and his assistants, and the expenses in connection with keeping the office in repair and furnishing books and so forth, making it self-supporting.

Mr. MASON: Have you figured out about what it would be under the new plan assuming the revenue was the same? A. I figured out for 1893, assuming that he received the same amount of fees for 1894 that he received for 1893, taking the proposition that we made to the Government and which they have carried out.

Q. What will it give to the county? A. It would give the county seven or eight hundred dollars instead of two hundred and seventy, and it would pay him, leaving him to pay all expenses in connection with the office, about three thousand two hundred dollars. That would be for the purpose of paying himself and his assistants too. Giving the assistant $600, or up to $1,000, his net income would be about $2,300. We think that would be sufficient.

Q. You think that would be a satisfactory income for him? A. Yes. Then West Middlesex is smaller. In 1890 the gross receipts were $2,142, in 1891 $1,879.60, in 1892 $2,214.40, and in 1893 $2,035.05. The expenses for 1891 were $547; for 1892 $545. The change will not affect him very much, of course, but it will pay fifty odd dollars into the county, still leaving him $1,400. He has not paid us anything for a number of years.

The CHAIRMAN: Q. That income to the county would not be sufficient to keep the buildings in repair? A. No; but of course the expenses are not so much down there as here, and it would furnish wood and coal, and possibly keep it in repair.

Mr. MASON: Q. And in addition to that you would very likely have a surplus from the other part of Middlesex? A. Yes.

Mr. ROBINSON: Q. He does not keep a deputy? A. Yes; his daughter works for him all the time and this $545 goes to her in whole or in part.

The CHAIRMAN: Q. Do you object to that amount being received by him? A. I fancy it is a very fair amount considering where he lives. I think we could fill the office with very good men for that. We did not think the sheriff was receiving an excessive amount at all. Some years ago it was more, but lately it has been reduced to a very small amount. I understand that last year Mr. Cameron's fees amounted to only a little over $1,800.

Q. Should not the sheriff be at least as well paid as the registrar? A. I would think so; I think a good deal better.

Q. Registrars run from $1,500 to $2,500. Would you think that a fair limit? A. Well, I suppose that would be about fair. Of course, living in the city is a little more expensive, and taking the responsibility into consideration I think that would be a good fair salary for the office.

Q. Then the sheriff; what do you think would be the minimum amount for him? A. I am not so well acquainted with what are the responsibilities in his office. I understand there are many things which give the sheriff a good deal of trouble, and if he is not very accurate he is liable to get into expensive trouble. I do not think the net receipts of the sheriff of Middlesex are excessive at all. His receipts have been more some years than now, and they may be again. We

did think that the deputy clerk of the crown, the County Court clerk and the surrogate registrar, which offices in this county are all filled by the one man yielded pretty large fees.

Q. What are his fees? A. For 1892, as deputy clerk of the crown $1,015.40, as County Court clerk $1,359.80, as Surrogate Court registrar $2,491.30, making a total of $4,866.50.

Q. Who is the officer? A. Mr. MacBeth. In disbursements he paid for the three offices evidently just the same, $396 for each of them; he pays in all $1,188. That leaves him for the three offices $3,678.50, or for the five years a net average of $3,526.40.

Q. Is he affected by this present scaling? A. I understand so.

Q. To what extent? A. I could not say, as I have not figured it out, but I think he is to some extent affected by it.

Q. Do you favor the amalgamation of these offices or their separation? A. I favor leaving them as they are, but making the tariff such that Mr. MacBeth would be paid only what is just and fair for his office.

Q. You would suggest where there is a combination of two or three offices in one man there should be an aggregate amount fixed for the three, above which he should not go? A. Except a percentage on the surplus, which I think would be right.

Q. Where a man has fees from different sources you would apply a rule to him which would be peculiar to that case? A. Yes, just exactly.

Q. How then do you think that officer should be compensated, comparing him with the registrar and sheriff, for instance? A. I am not very well acquainted with the duties in connection with his office.

Q. There is not the same responsibilty; the work is more largly clerical? A. I think it is more like that of the registrar in many respects. I should not think he would be entitled to more than the sheriff. Then we have the county crown attorney and clerk of the peace. In 1892 he received as crown attorney $2,141.53, and as clerk of the peace $1,588.82, a total of $3,730.35 for 1892.

Q. I suppose it takes the whole of his time to do the work here? A. Well, I should fancy so.

Q. He is affected by this new system too? A. I think he is; I have not seen the Act yet, only just the newspaper reports. The disbursements as county crown attorney were $425, and as clerk of the peace $385.96, making $786, leaving him net $2,944.14. The average for five years from 1888 to 1892 inclusive was $3,227.19.

Q. Mr. Hutchinson is dead? A. Yes.

Q. Who is the present incumbent? A. Mr. Magee.

Q. The complaint has been made here that a great deal of money in the shape of fees was unnecessarily collected on account of matters which should not have been interfered with having been brought in to Mr. Hutchinson. I suppose Mr. Magee's return has not been made for one year? A. No; and I fancy Mr. Magee would not do anything of that kind.

Q. Would you be in favor of putting county attorneys and clerks of the peace on a fixed salary? A. Well, I suppose the clerk of the peace could be put on a fixed salary; his work is somewhat similar to that of the registrar, more clerical work than anything else. Still I feel satisfied as it is, if the Government has provided that after the fees reach a certain amount a percentage should go to the county. I fancy perhaps it is just as well to leave it as it is.

Q. It has been suggested in the case of that officer and of the Division Court bailiffs, that to prevent their fomenting litigation and prosecuting where there should not be any prosecution, that placing them on a salary would be a sufficient remedy. I suppose it depends very much on the person? A. I should think so.

Q. Where a judicious choice is made it does not matter? A. No.

Mr. Mason: Q. The net revenue last year of the county attorney and clerk of the peace was $1,129; would you consider that excessive? A. Would that be for the whole year?

Q. All except one month, $1,129 is net revenue? A. That is something small compared to what it was; that is a great falling off from what it was before; you see the net average was $3,227.

Q. There evidently has been some portion of that which went to Mr. Hutchinson or his representatives, I fancy. I think this $1,129 goes to Mr. Magee apparently after a settlement? A. Yes; I do not think that could be for the whole year.

Q. No, it is not; it is from the beginning of February? A. Well, that is pretty nearly a year.

The Chairman: Q. It shows very much less, at any rate; it is about one-third. A. Of the net, yes.

Q. It is a very considerable reduction? A. In the county we pay our treasurer $1,600, clerk $800, and the warden $300; the registrar received more than the whole three combined.

Mr. Robinson: Q. But the warden only attends a few times a year? A. He is supposed to be here in his office; he has to attend to the duties in connection with his office; there are many papers to be signed and so on, and he has to be here very frequently. Of course, that is sufficient for the warden; but our county clerk is here nearly all the time.

The Chairman: Q. He does not get enough, does he? A. Well, of course he runs his farm as well, and he comes in here in the morning.

Q. He is not every day engaged? A. Not every day, but a good deal of the time; and the county treasurer, of course he is here all the time. To be sure the county treasurer receives certain fees besides that for searches in his office.

Q. What would they amount to in the aggregate; would it come to $200? A. I would not like to say the amount; I think they run about $300. That would make a total of $1,900, although I would not like to say that for certain, because I don't know.

Q. I suppose you don't allow the county treasurer to handle the money? A. No; he gives all the interest that accumulates.

Q. In some of the township councils the treasurer only gets twenty or thirty dollars, and they allow him to make all he can out of handling the money; and in consequence of that they have some very fine chancery suits? A. No; we get all the interest that accumulates in the bank for our money, and he gives us $90,000 security as well.

Mr. MASON: Q. Has the question of commutation in the case of the clerk of the peace ever come up in your county? A. Not that I am aware of.

Q. In some counties their fees are commuted? A. It has never been discussed during my time.

The CHAIRMAN: Q. There is a provision by which they can commute if they desire to do it. Going back to the main question, do you think the system of submitting such officers as sheriffs, registrars and so on, to be voted for by the people would be a satisfactory system? A. I do not.

Q. It has been said if they were elected for life or during good behavior, that all the mischief of the elective system in the United States would be avoided. Do you think that would be the case? A. Well, as far as the officers themselves are concerned, I think we have very good officers now. I think the system of voting for those officers might lead to a good deal of corruption. Take the office of registrar, for instance. There is a salary of two or three thousand dollars attached to that office. There are lots of men who would be willing to spend a year or two's salary to get it. It seems to me that we have elections enough now without having elections for all these officers brought before the people every little while, because every election engenders a certain amount of agitation and spite among the people.

Q. What do you think of a constituency of sixty or seventy thousand people such as you have here, voting on the election of a sheriff in this county; what result would you expect? A. I would expect it would be run on party lines; it would just be run on politics, I believe. I think party candidates would be chosen as in any other election, and it would just be a big campaign.

Mr. MASON: Q. Roughly speaking, what do you think it would cost in Middlesex to have an election for one of these offices, based on the cost of a parliamentary election?

The CHAIRMAN: Q. Or in the cheapest way you can think of? A. The principle would just be the same as in an ordinary election. I think it cost us in our township, for an ordinary municipal election, forty or fifty dollars. There are some twenty-two constituencies I think in Middlesex, some of them much larger than ours. I should think it would cost the county between twelve and fifteen hundred dollars.

Q. And you don't think that where there is a substantial remuneration attached to the office there would be likely to be a great number of contested elections? A. I would certainly think so.

Q. And then probably a new election? As far as the expense is concerned, I should think it would be very expensive. A. Yes; because you are liable to have an election almost any time in case a man dies or becomes incapacitated.

Q. Would there not also be a tendency under the circumstances to get up complaints and make charges against the officer? A. I should fancy if once the elective system was started, for life, as suggested, the next agitation would be to reduce the term to three or four years.

Mr. MASON: Q. They would become dissatisfied with one man holding the position so long? A. Yes.

Mr. ROBINSON: Q. You are equally opposed to the appointment of these officers by the county council? A. Well, I was in favor, as I said, of the county council making the appointment of the registrar, because it was the only office that had nothing to do with the administration of justice, but still I am not opposed at all to the appointment as it is at present, because it is only a matter of one man in the whole county that is interested. What I favor is to pay these officers what is just, reasonable and fair, and then let the balance go to the county.

Q. I was talking to a well-known gentleman yesterday who gave it as his opinion that if the appointment was made by the county council no one would ever hold it who had not been a county councillor? A. No doubt; I believe that, because we become so well acquainted with the men, and usually they are good fellows. I certainly think a county councillor would stand the best chance.

The CHAIRMAN: Q. That would not cure what is complained of in regard to the present system of appointment? A. No.

Mr. ROBINSON: Q. Are you aware of any complaints in regard to the present system? A. Well, of course the Patrons are agitating for a change, but we have not very many Patrons among us.

Q. Has the question been brought up in your council this year? A. No. Last year we discussed it a little, and, as I said, the county council voted to have the appointment made optional. I don't think there is a great deal of agitation about it.

JOSEPH HARTLEY, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. What municipal positions have you occupied? A. I have been a school trustee for fourteen years. I have not occupied any other position.

Q. You have lived in this county? A. All my life.

Q. Do you know the officers we are dealing with? A. Fairly well.

Q. What is your opinion as to the best way of appointing them? A. I am in favor of the elective system: all those who are paid by the people direct I think should be elected by the people.

Q. What officers would you put in that class? A. All who receive pay directly from the people.

Q. Do you include the clerks of the courts? No; but registrars and so on.

Q. Would you include the sheriffs? A. Yes.

Q. And the Division Court clerks and bailiffs? A. Yes.

Q. For what length of time would you have them hold office? A. During good behavior.

Q. In case of complaints being made about their conduct how would you have them settled? A. I would favor having them settled by the county council.

Q. Without any appeal from them; would you let them make the final settlement? A. That would be rather a difficult thing to say; probably no offence of so grave a character might occur without the people knowing it. People in those positions generally begin with small offences, and creep up by degrees, and the people have an opportunity of finding them out before they commit any offence grave enough to be serious.

Mr. HOBSON: Q. Why would you have a matter in which the Division Court clerk or County Court clerk was involved settled by the council, when the city is more largely interested than the county? A. I would not insist upon that, that might be settled by the judge.

Q. Would you have the bailiffs under the control of the county council too? A. I think that when the appointments are made by an outside authority it places too much power in the hands of a few. I feel a good deal like the old gentleman who, when Lord Brougham asked him on a certain occasion why he desired a change, said, "I would like to try it for a while." We have tried the elective system in school, municipal and parliamentary offices, and I do not think any of us would like to go back to the old state of affairs.

Q. You would think you would like to try this? A. Yes. I would not for a moment say anything against these gentlemen, they are a good, nice class, but I think it is the true democratic principle to have these men selected by the people and responsible to the people. When a person is appointed by the Government it is rather a difficult matter for the Government to dismiss him; it creates a hue and cry from one end of the province to the other, whereas the county council could deal with a question that concerns them alone.

Mr. HOBSON: Q. Would the county council be competent to deal with the deputy clerk of the Crown?

The CHAIRMAN: I do not think he includes those; you would not include them? A. No: only those who come in contact with the masses, and who receive their pay from the masses.

Mr. MASON: Q. I do not think any of them are wholly paid by the people? A. No: certainly not. By our statutes they are paid by fees, but still it is taken from those who have business to transact.

The CHAIRMAN: Q. Don't you think, Mr. Hartley, that in the case of registrars the persons who elect them ought to be the landholders who pay the money? A. I would have them the same class of voters as those who vote on a bonus. It should not be manhood suffrage.

Q. It should be the people who have an interest in the property of the county? A. Yes.

Q. Those who vote on bonuses? A. Yes: if a man votes on a bonus he is supposed to have some interest in that bonus. A man who has no property risks nothing, and cares little about other people's rights.

Q. Do you think you would have a better choice of people in that case than you have under the present system? A. I would not say; possibly they would. I think the people holding these positions would feel the responsibility more, because they are living amongst the people who are better acquainted with them than the Government officials are, and who would watch them very carefully.

Q. Would you have any inspection besides the watching by the people, would you have these officers looked after and supervised in their offices? A. I would have a Government inspector the same as at present, to report to the county council, leaving them to do as they saw fit in the matter.

Q. And if the council did not choose to heed what the inspector said, do you think the system would work? A. I assume that if the inspector reported to the county council anything wrong, the council would take hold of the matter and deal with it: the people would compel to do so.

Q. How could they deal with a matter unless they had power to investigate under oath? They would need some machinery in the nature of a court to investigate such questions? A. I suppose the inspector would probably have very similar methods to those he has now.

Q. Yes, but if he reported a grievance and they came to investigate, how would they conduct the investigation in order to get the truth of the matter, if there was a great number of conflicting statements? A. I should think that could be dealt with the same as any other case where people are suspected of crime; it would be carried to one of the courts.

Q. I suppose it would have to be that way. That would be a very expensive process compared with the present method, would it not? A. Well, I don't know. The great trouble now is when a man gets into a position if the Government undertakes to remove him a hue and cry is raised from one end of the province to the other, politicians make all the capital they can out of it, and it is kept up and carried on from year to year. I think very often the Government would shrink from discharging a man, particularly in a close constituency.

Q. Have you any knowledge of a case like that in your own experience, where a man who ought to be discharged is kept in office like that? A. I would not say he is allowed to continue in office, but discharging him leads to trouble.

Q. Of course, the Government have to take the responsibility of that; either discharging him or keeping him? A. I would not throw the responsibility on the Government; I think it is unfair to throw the responsibility on the Government.

Q. It is not making it any less to put it on the council? A. Well, it is a local question. These offences we are speaking of now are not offences against the province but against the county.

Q. But in a great many cases persons living in various parts of the province all over the country, have to call upon the sheriff of a county, and persons living outside have business to do with the registrars, people and corporations who have property. It is not confined to the circle of people living in the county? A. I do not profess to be a lawyer at all.

Q. But you are arguing on the ground that it is a local matter, and for that reason the county council should deal with it, and I am calling your attention to the fact that it is not altogether a local matter? A. Well, of course, this is entirely a new thing, and would require legislation following this commission, and there might be a proviso inserted to deal with such cases that are not of a local character. I think matters of a purely local character might be dealt with in the way I suggest.

Q. The great tendency of modern legislation is not to interfere with any institution that answers its purpose reasonably well: changes are not made just

for the sake of experiment, but if a real grievance is found to exist an effort is made to deal with it. Would you favor making a change simply in order to give you something else which might possibly be as good, but which you cannot be sure would be as good as the present system? A. Well, I think an experiment is very often useful.

Q. If they don't experiment on too large a scale? A. Doctors experiment a good deal, I notice.

Mr. Hobson: Q. It is a great deal of trouble to bring the county council together in a large county. Would you advocate appointing a board or sub-committee of the county council to deal with these matters, or would you leave it to the county council as a whole, and let them devise any means they like? A. I would leave it to the county council. The members of our county council, as a rule, are very responsible men: men of high standing.

Mr. Mason: Q. Do you think there would be any danger in the election of these officers having salaries attached to their offices, any danger of improper means being made use of to secure their election? A. I should not think it. Of course it is altogether different where men are elected for life or on good behavior; I do not think there would be any greater danger than in the case of any other official.

Q. What other official? A. Our county councillors.

Q. But they are not paid salaries? A. No; but they are very often subject to temptation.

Q. Even in the township councils they are not paid? A. Yes.

Q. Would not there be more tendency to that in the case of an officer who was paid a salary? A. A member of Parliament is paid?

Q. No; he gets an allowance while in Parliament, but he is not paid a salary? A. No.

Q. Would you take the chances? A. Yes.

Q. For the sake of the people being able to vote on this? A. Yes; because I think as a rule the people in the long run are right. Public opinion is more powerful than any law, and I think public opinion very often keeps a man from doing wrong.

Q. In this county there are forty or forty-five thousand people; how would those forty or forty-five thousand people be able to judge of the qualifications of the men who were seeking to be made officers? A. I think they would find them out just as well as they do in the case of men who are seeking to be members of Parliament.

Q. And what is the system of electing members of Parliament? A. By popular vote.

Q. How do the candidates come before the people? A. They are generally brought out in a convention by the political parties.

Q. And would these officers be nominated by the political parties? A. Not necessarily so. Supposing they were, the Government that is in power puts its own friends in as a general rule.

Q. Yes, but the Government in power is responsible for them, and the people are not? A. The people would be just as likely to rectify an error as the Government would.

Q. Don't you think that the man most popular for the time being would be the one who would stand the best chance of getting these positions, instead of men better qualified so far as their fitness for the position was concerned. A. No; I don't think so. I don't know how it may be in other counties, but in our county we have a very large number of very level-headed men, who look carefully before they leap. I think the election of these officers would be quite safe in the hands of the people.

Q. Would the same remark apply to people in the city, do you think? A. I have no experience outside of the city of Brantford: that is to say in no other city.

Q. What is your experience as to the city of Brantford. A. Well, it has been very good until lately, and will be again.

Q. What has been the trouble lately? A. There has been a little split up.

Q. What has been the result of the split-up? A. It has been that men have got into office who could not have got in otherwise. It is a thing that is never likely to occur again; it never has occurred before.

Mr. Brooks. Q. You favor Abraham Lincoln's motto: "Follow the people and you can't go far wrong"? A. I have great faith in the people; I have great faith in my neighbors in the country, and I think our educational system, of which we are justly proud, affords every facility for educating our people. I think those who are exercising the franchise are good men. I think you can find no better people than the Canadian people, and you don't need to go outside of the county of Brant to find them, and I think this question may fairly be left in the hands of the people, because there is nothing socialistic or anarchistic about the people of this country.

The Chairman: Q. Is there any other matter we have not asked you about that you would like to speak of? A. I don't think you mentioned the salaries.

Q. Well, as to the salaries, what do you say as to that? A. I think that is a question which might be settled in this way. I think that the fees should be collected just the same as school taxes, and the officers who collect them should hand them over to the municipality, and the official should be paid a salary out of the revenue derived from that source.

Q. And let the county council fix what the salary should be? A. Yes, I think so.

Mr. Mason. Q. You would have the people elect the officer, the county council fix his salary, and the Government inspect his office? A. Yes; and report to the county council.

The Chairman. Q. You would employ all machinery of the country in that way——

Mr. Mason. Q. Is not that rather complicated? A. It might seem so, but I think the people would set it all right.

NATHAN F. DUPUIS, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Have you a list of these questions? A. Yes.

Q. What is your position in Queen's University? A. I am Professor of Mathematics.

Q. Have you been for some time? A. Yes; I have been in Queen's University for twenty-seven years.

Q. Are you a native Canadian? A. Yes.

Q. Educated here? A. Yes.

Q. And know something practically about our system of government? A. Yes.

Q. There are two points of enquiry before us, as to certain officers: the manner of their appointment and compensation. As to the manner of appointment, do you suggest any change in any of them or all of them? A. Some of these officers I know nothing about.

Q. Well, just indicate those that you do speak of? A. My opinion is, in regard to the appointment, that they are better appointed by the local Government, as at present. I do not favor the elective system, nor do I favor the appointment by the municipality.

Q. The elective system of course is employed in the States; we have experience by reference to that. The county council system is a new idea. You have reason to knew how the elective system works in the States? A. Yes; I know how the elective system works there. I am pretty well acquainted with the States.

Q. State how? A. The appointee there has to work for popularity, and I think that in an administrative position of that kind the appointee should be above that.

Q. Above canvassing? A. Above working for popularity with the general public; and that is what they do to a great extent in the United States. Some do not do it, but it is generally done. I think the executive should be beyond the direct vote of the people.

Q. There it drifts into purely party lines; they are all run on one ticket or another ticket *en bloc*? A. Yes.

Q. Have the voters there an intelligent knowledge of the qualifications or even the persons they are voting for on many occasions? A. They have not. They vote on a ticket that is made up.

Q. Under our system here, where there is a candidate for Parliament the electors can become acquainted with him. The newspapers take it up, and generally the electors become acquainted with the candidates for Parliament. That would not probably obtain in the election of different officials; there would not be the same publication of their qualifications, and so on? A. I do not think it.

Q. The electorate would not have so thorough a knowledge of the qualifications of the different candidates for office as they have of the qualifications of candidates for Parliament? A. I think not.

Q. You think the system has not worked in the States in such a way as to commend it to us? A. I think that it is one of the objectionable features of the American system of Government.

Q. And as to appointment by the county councils; what objections would you have to that? A. The county councils change so frequently. They change almost too frequently; and the whole character of the county council might be changed; and if the new council had the power of making new appointments, there would be difficulty, unless the appointment was made permanent.

Q. Then, all things considered, you would leave the matter of appointment as it is at present? A. Yes.

Q. There are other officers not in this list—the license commissioners and license inspectors. It was suggested that they should be otherwise appointed, as well as the others. Have you an opinion on that subject? A. I cannot say that I have.

Q. Taking, then, the manner of compensation. Fees being attached to these offices—it is not proposed to dispense with the collections of fees for the services rendered—would you favor paying the officer out of the fees or from any other source? A. I think that these officers should be paid salaries. The salary should be commensurate with the importance of the office and other considerations; because the fees may amount to a very large salary or a very small one. Most of the officers mentioned in this list, leaving out county attorneys and clerks of the peace—most of these officers have never spent any great length of time in study; they are not like teachers or professional men generally, they are not like medical men or lawyers: they have not spent a great amount of time or money in preparing themselves for the position; and it seems to me that the fee attached to these offices should not be so large as to make it a great inducement for a man. You understand what I mean.

Q. Yes; take for instance, the registrars and sheriffs under the present law. The registrars take $1,500 out of the receipts of the office, for their own use, and turn over the rest to the county, with a certain percentage deducted, which represents the commission for collecting the rest. The sheriffs take $2,000 in the same way, under a similar system. Does that seem a reasonably good system, or would you have a fixed salary? A. I think I would have a fixed salary. I would fund the fees and hand them over to the Government.

Q. Then you would work the system without reference to the municipalities? A. I think I would.

Q. The Government would fund the fees and pay the officer? A. Yes. Then if the fees were not sufficient to pay the salary, let the fund be called upon. The municipality does not really pay these fees; they are paid by private individuals.

Q. Quite so, with some slight exception in the case of the sheriff. There is a certain amount paid for jury expenses. But the bulk of the remuneration is from the individuals? A. The reason why I would prefer salaries is simply that the municipalities do not pay the fees as municipalities; that is, generally speaking.

Q. Then you would have these fees kept separate, the revenue from the registration of deeds, for instance, would you have kept as one fund; and a fund derived from sheriffs, and so on? A. Well, that is a point that would require consideration.

Q. You have not worked out the details? A. No.

Q. The Division Court clerks and bailiffs; would you have salaries attached to these offices? At present they collect fees: and the fees in some cases do not amount to more than $75 a year in the country districts, where business has declined. It does not amount to a living wage; would you give these officers a salary, or just the fees, the aggregate being so comparatively small? A. I have not thought that matter over. I do not know about these fees.

Q. There is a general combination in the other offices: the deputy clerk of the crown, for instance, is generally clerk of the County Court and registrar of the Surrogate Court, so that by combining these offices, although each has but a small revenue, the aggregate gives a fair living salary? A. Division Court clerks and bailiffs do attend to other business.

Q. They have to do it. The bailiff very often is a farmer or auctioneer. They could not live out of the salary. The Division Court clerk of Cornwall, for instance is also the county treasurer. He combines the two offices. Have you any limit in your mind as to what the average salary should be for the registrars and sheriffs, looking at the nature of their duties, their position, and responsibility? A. Did you say the sheriff's salary was $2,000?

Q. That is the limit at present fixed. The sheriff here does not get so much. If sheriffs receive more than that, they have to account for the surplus. For instance, a sheriff may clear $2,500 as the receipts of his office, but the expenses of the office, the bailiffs and so on, may reduce it by $600, leaving $1,900 as the sum the sheriff is allowed to put in his pocket. Above $2,000 the sheriffs retain a certain percentage: and registrars also, above $1,500? A. It does not seem to me that $2,000 is too high for the sheriff.

Q. Do you see any objection to the officer receiving a percentage out of the fees over a certain amount fixed as his salary? It is said that it is an incentive to collect the fees, to a greater regularity and punctuality, and to more vigilance in discharging the duties of the office, because of the little personal advantage which crops up. That is said to be a justification for the system? A. It seems to me it would be just as well to pay these men a fixed salary and simply see that they did their duty.

Q. Would you give them more in the larger counties, where the receipts are larger, instead of paying a percentage? A. Certainly. It would depend on circumstances.

Q. You would deal with each case on its own circumstances? A. Yes.

Q. The expense of living, amount of business, and so on? A. Yes.

Q. But you would fix the salary so that if the inquiry were made it could be said, "Such a man gets such a salary and no more"? A. Yes.

Q. You think that would be a better system? A. I think so.

Q. Is there any other matter you wish to speak of? A. Some of these officers, the registrar, for instance, have assistants?

Q. One person in the office is needful beside himself. The office has to be open during certain hours in the day. The officer is sometimes called away on a subpœna to produce documents which are required in court, and which have to be accompanied by a person from the office. A. It is right that he should have assistants, but is the assistant responsible to the registrar?

Q. Yes. A. It seems to me that the registrar should have himself the recommendation for the assistant, even if the appointment is by the Government.

Q. He chooses his own assistants, and pays them, subject to the checking of the Government supervision; but I do not think there is a very vigilant supervision? A. There is one bad thing, of course. The party in charge of the office farms it out to others. I do not think that is correct An officer should do the work himself or give it to somebody else who will do it. That seems to me right

Q. And give his whole time to the work, if he gets a fair compensation? A. Gets a fair salary for it.

Q. In the matter of deputies, if he is responsible for his deputy would you leave the appointment and compensation to him? On the business principle that the head of the house looks after the clerks himself? A. I do not know that that would be very important. It seems to me that if the head of the house has the recommendation, the Government might make the appointment.

Q. That is, to secure persons acceptable to the chief, and who would work harmoniously with him? A. Yes. It would not do for the chief to have a person thrust upon him.

M. KELLY, Esq., by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. How long have you been in the council? A. Eight years.

Q. Have you been furnished with a list of the questions? A. I first saw it when I came into the room.

Q. What do you think about the way in which these different officers should be appointed? A. There are a number of officers on this list with the nature of whose duties I am not acquainted.

Q. Which of them are they that you do know something about? A. I know something about the registrar, the sheriff, the county crown attorney and the clerk of the peace, and also Division Court clerks and bailiffs.

Q. As to those, what do you say as to the manner of appointing them? A. My idea is that most of them, I will not say all, should be elected by the people.

Q. But those that you have mentioned, do you include all of them? A. I would favor the election of those officers once in four or five years, the same as members of Parliament and members of the Legislature.

Mr. HOBSON: Q. On the American system? A. Yes; I presume that is something like their system.

The CHAIRMAN: Q. In regard to the registrars, how would you deal with that in this county? You have the one officer for the county and the city, and one sheriff also serves for the county and city. Now, if you were going to put it to the popular vote how would you proceed? A. The same as we proceed to elect a member of Parliament, the one receiving the highest number of votes gets the place.

Q. You would have 34,000 to vote on this? A. Yes.

Q. And how would you arrive at an opinion as to the merits of the men who were being voted on? A. The same way as we get at the merits of those whom we send to Parliament.

Q. That is, the men running for these offices would have to stump the country on their merits? A. Yes.

Q. And every man who wanted to be a candidate would have to come forward, or would you have some selection, or how would you do it? A. I think the way to get responsible government is to let them come before the people, let the candidates come before the people on their merits and be elected on them.

Q. And the people who wanted to run for these offices would advertise themselves and take all the steps they could to give publicity to their claims; they would appear on platforms and so on, I suppose? A. Yes; and in any other way they thought proper.

Mr. MASON: Q. Any way to get there? A. Yes.

The CHAIRMAN: Q. Don't you think that the machinery which is now used in parliamentary elections would at once be made use of? A. Most decidedly I do; it would follow party lines.

Q. Then do you think the men who were best fitted would get the offices, or would not it be those who were popular stump speakers and electioneering men? A. I think in this country of ours we have never suffered in any great degree from the choice of the people.

Q. Don't you think in the case of officers like these, to which considerable emoluments are attached, the chances are that there would be a good deal of corruption among the men who were running for these officers? Would not they be willing to put a little money into it? A. Of course, there is that weakness in human nature.

Q. And would not the system you propose have a tendency to develop that weakness instead of checking it? A. It might have that effect.

Q. Would not it necessarily have that effect? If you multiply popular elections does it not offer greater facilities for bribery? A. I presume there would be a tendency along that line. At the same time there are pretty stringent laws passed regarding that kind of thing, and they are becoming even more so in our country.

Q. Yes; but the trouble is to apply them. It has been found that corruption exists in connection with our elections of members of Parliament, but it is not always found out. Would not there be a tendency that way if the people elected these officers? A. I think very little of it.

Q. Would not there be a tendency on the part of the officers elected to curry favor with the electors in order to secure their re-election? A. I think very likely there would.

Q. Do you think that would be a good thing in the case of a sheriff, for instance, whose duty it is to administer the law impartially? A. There might be a tendency in that office alone, but I don't know that that would apply to the registrar.

Mr. Hobson: Q. Don't you think it very likely there would be a tendency that way in the case of the sheriff, and that it would make it very hard for him to perform his duties? A. Yes; perhaps there would be.

The Chairman: Q. I was not speaking of the registrar. I was speaking of the sheriff, because that is an office in which an impartial administration of the law is necessary? A. Yes.

Q. If you have a party sheriff, would not he favor the party that elected him? A. If he did that could be easily shown at his next election, and would be against his chances of being returned.

Q. But he would favor the strongest party probably? A. Oh well, that would kill itself in the end, you know.

Mr. Hobson: Q. But in the meantime the greatest injustice might be done? A. Yes; but I look upon the whole system as being applied to all the officers. Now, there is the municipal council, they have to appear before the people each year and receive the approbation of the people before they can take their seats again. The people are not suffering any in that case, if they happen to be returned they have the best experience of those councillors, whereas if they put in a new man it is to the disadvantage of the municipality, I think. Generally an experienced man is worth something to the municipality. It would be the same in these other offices.

Q. Do you think the electors would be likely to consider as carefully as the Government the special qualifications required in a man to fill the office? We have just heard from the registrar that it requires a man with special knowledge for that business, requires years of experience; would the electors be likely to consider that, or would not they be a little likely to run in party lines? A. I don't think the work of the office is so intricate but what an ordinary man with a fair education and good judgment could fill it.

Mr. Brooks: Q. Have you reason to believe that at the present time they are always appointed on account of their fitness for the position? A. Well, of course, I am young in years and I do not know about the different officers, but so far as our county is concerned I think we have a good set of officers.

Q. Does it ever appear to you that they are chosen because of past services they have rendered to their party? A. Oh yes; that is quite evident.

Mr. Hobson: Q. But your officers have been quite efficient? A. Yes; they have been faithful workers in the cause of the different parties.

The Chairman: Q. Do your remarks as to election apply to the county attorney and clerk of the peace? A. Of course, it requires a lawyer to fill that position, but I don't know any reason why that officer should not be elected.

Q. And do you think that Division Court clerks and bailiffs should be elected? A. Yes; I think so.

Q. I suppose you recognize that that will enormously increase the expenses of the municipality, don't you? A. Not if the election took place at the same time the ordinary elections do.

Q. But that could not very well be done if you elected these officers every four years. You have different areas, you would not have the whole county electing the Division Court bailiff? A. I would have the election once in four

years for the county, and at the same time the municipal elections for the school boards, I would have the whole election come off at once.

Q. But school boards are elected by particular districts, not by all the county? A, Well, let the officers who serve those districts run for office in that district and be elected at that time.

Q. Then you would have several sets of elections that people would have to vote for, a long list of elections? A. Yes; quite a long list.

Q. Then the sheriff and registrar, the county crown attorney and all of them would be voted for over the whole county at the same time? A. Yes.

Q. Then if the corruption which has been spoken of did take place, and some person was dissatisfied—and there would always be some one dissatisfied among the candidates—how would you try complaints of unfair elections? A. In some such manner as in the case of elections for members of Parliament.

Q. You would go before some court of trial? A. I should think so.

Q. Then if the election was set aside you would have to have a new election, there would be a separate election for any of these offices vacated in this way. Would not that be very costly? A. Well, an election in our township, which is quite a large one, 86,000 acres, costs in the neighborhood of $75.

Q. And that would be about as large as the territory for the election of one of these bailiffs; but take the case of the sheriff, where the election of the sheriff is set aside and a new election required, what would be the cost of such an election as that? A. Well, that would be considerably more.

Q. Don't you think there would be great likelihood of that becoming a growing evil? A. I daresay there would be more of that, but at the same time you find that with the elections to Parliament.

Q. It tends to show that the system which you advocate would be more expensive than the present system. Do not you think that your system would result in a greater expenditure of money in order to get these officers firmly fixed in their seats for the four years? A. I think the people would be quite willing to run the risk of trying the experiment. There would have to be limits set to the system, perhaps, to make it more effectual.

Q. Do you think that a man like the county crown attorney whose duties consist of the prosecution of criminals, ought to be subject to the popular voice, as an elective officer must necessarily be? A I would not say all the officers on this list should be elected.

Q. Well, the county attorney is one of them, do you see any reason why he should not be elected? A. Perhaps I am not sufficiently acquainted with the duties of that office to advance an opinion that is worth much on it.

Q. He is simply an officer of justice, who has to see that justice is done. If there were a law which was unpopular in a certain district, would an elected officer act as promptly there as an appointed officer? A. Well, I think they would maintain the law.

Q. The law can be maintained faint-heartedly or it may be done zealously; there might be a show of zeal without any effective action? A. Yes; if a man does not want to enforce a thing.

Q. What you advocate is the American system of election for short terms, that that would be a safeguard and that a good man would be returned and a bad man put out? A. The idea that I have is to allow the offices to be filled by the choice of the people, and then the people could choose these officers from among themselves; whereas under the present system we sometimes find men appointed to offices who have not lived in the district, and who are not so well acquainted with the requirements of that district as they otherwise would be.

Q. Then as in all cases of popular elections, the majority of the people would have the controlling voice? A. Yes.

Q. Then as to payment, how should these officers be paid, by fees or a fixed salary? A. I think the fee system is the only fair system, that is to collect fees.

Q. Would you place any limit on the amount the officer is to receive? A. Yes; I think I would.

Q. In some such way as is done under the present system? A. Yes; after it reaches a certain limit let the amount over that be returned to the Government and divided to the people again in such a way as they see fit.

Q. And that manner of dealing with the fees you do not criticize adversely if the appointment was made by the people? A. No. Of course, the fees in some instances might be reduced, but I think the system is a fair way.

Q. What have you in your mind when you speak of reducing the fees; do you mean some particular charges or the whole sum received? A. There is only a few of the fees I am familiar with, and I would not advance an opinion as to just how they should be used.

Q. In what way do you think they should be reduced? A. There is one that comes to my mind connected with the clerk of the peace for posting up the list of names, four dollars. That simply means hanging up a bill on the door.

Q. Your council has the power to commute with the clerk of the peace; have you done that? No.

Q. Why don't you do that, it has been done in other counties? A. The matter has never been discussed in the county council.

Q. Have you discussed this fee or salary question in your council? A. Slightly. A petition was brought before our council at the last meeting, from one of the other counties, asking our co-operation in the matter as to the appointment of these officers by the county council. We could not concur in that; we did not think that would be the right way. The council did not concur in that, they did not concur in the petition asking that the power be given to the county councils.

Q. You yourself do not favor the system of appointment by the county council? A. No.

Q. What objection have you to that? A. I don't see that that would make things any better than they are now, perhaps not as well.

Mr. Hobson: Q. The county council appoints its clerk and treasurer, would you have them too elected by the people? A. Well, I don't mean to be understood that I would throw every office open to election.

The CHAIRMAN: Q. But is not the office of county treasurer one that ought to be open to election just as much as that of county registrar? A. I don't know any reason why it should not be.

Q. It is just as important an office? A. They are all important offices.

Q. He is the chief officer the council appoints, and should not the people say who should go there, and not have it left to the council; if your principle is sound should not it apply to the county clerk and treasurer——

Mr. MASON: Q. And would you apply it to the public school inspector? A. I think I would. I think it would be better to have that office thrown open.

Q. To have all these offices open to any one? A. No; only to those who have certain qualifications.

Q. Who would fix the qualifications? A. The Government; the same as they do now.

Q. You admitted that there were difficulties in the way of popular elections. What are the corresponding gains, except the principle of government of the people, for the people and by the people? A. The appointment of these officers by the choice of the people.

Q. Can you see any other gain over the present system besides that? A. There is no money gain.

Q. No likelihood of getting any better officers than you have now? A. No; I don't know as we would; our officers in this county I think give general satisfaction.

Q. Do you think in your county you would get any better officers under the system of election than those you have now? A. Perhaps not. I have not a word of fault to find with our present officers, and it would not do for me to advance an opinion whether they would be better or not if elected. We are very well satisfied with our present officers.

Mr. HOBSON: Q. Granting that they would be as good one way as the other, would not such elections cause a great deal of turmoil in the county for perhaps weeks and months, meetings going on in all parts of the county? A. It is likely there would be more or less of that.

Q. If I am not mistaken the cost of an ordinary election in a riding is from two to three hundred dollars. In a county of three ridings one of these elections would cost seven or eight hundred dollars every time. Somebody would have to pay for that, and it would be rather hard on the people to bear all the expenditure connected with the election of these officers. Then again, the individuals themselves for their own interest would require to have scrutineers and the cost in the aggregate would be very large? A. Of course, that is a matter that would have to be considered. I think that the expenses of election are among the small items of our expenses in this county, and the people have never been burdened with that expense yet.

Q. That is because the elections are so few? A. Perhaps they might feel it if the elections were more frequent.

Q. Would it not seem to be somewhat of an anomaly, if as would be likely in the case of the election of a bailiff the cost of an election were three or four

times as much as his total receipts from the fees? A. If the bailiffs were elected along with the other officers—

Q. But if a bailiff resigns or dies, or if he finds it is not to his interest to remain? A. The people might look upon it in this light in that case; they would go to work and make a selection without contesting it for the time being.

The CHAIRMAN: Q. But any man could frustrate that, any crank who would say "No, I'll not consent to that?" A. If it were left to the largest majority of the electors present to decide the crank would have to put up with it.

Mr. HOBSON: Q. Do you propose that the cost of these elections should be borne out of the general fund of the province, or by the county? A. Locally, as we do now, we pay for our own elections. There will be no advantage in having the Government pay these expenses, because it all comes out of the people anyway.

Mr. MASON: Q. It has been said that there are too many officers now; do you think your plan would have a tendency to divide and create more offices, or to lessen the number of them? A. Well, I don't know.

Q. Take for instance the case of the sheriff of a county who was getting two thousand dollars. Do you think there would be a tendency on the part of the people to say, "Now, eight hundred or a thousand dollars is a pretty good salary, I don't see why we should not have two of those officers?" A. As far as I am able to judge, I think the people are inclined to retain as few of the officers as possible, and to pay them fairly well for the services rendered and no more.

Q. Then assuming they were elected by the people, who would fix their salaries, what machinery would you have for adjusting the salaries? A. That would be fixed I presume by the Government by the amount of work done, or by boards of arbitration that might be appointed for the purpose.

Q. The county council have not to pay them, you object to the county councils having anything to do with that? A. Perhaps they would be a good body to fix the salary of some of the officers, I would not say all the officers. It would be more proper for the Government to fix the salary of those officers whose duties are connected with the administration of justice, because they know better what the office is worth.

Q. I did not understand whether you expressly specified those officers? A. No; I would not undertake to do that.

Q. Which are the officers? A. The local master, the local deputy registrar, the clerks of the crown, registrars of the Surrogate Courts, I know some of the duties of those officers, but not all of their duties and responsibilities.

Q. And you are willing that they should be elected? A. No.

Q. You exclude those officers? A. I would exclude some from the popular vote.

Q. I think you said you would favor the election of registrars, sheriffs, county attorneys, Division Court clerks and bailiffs? A. Yes.

Q. Would you approve of the election of county judges by the people? A. No; I would not.

Q. You draw the line at judicial officers? A. Yes; they should be appointed by a superior body.

Mr. MASON: Q. What was the action of your council on the petition which you say came in from another county? A. They were asked to concur in a petition to the Government asking that these officers be appointed by the county councils. We did not concur in that petition.

Q. Did you concur in election by the people? A. No.

Q. You left it? A. Left it just as it was. We were not asked that question; we were asked to concur in having them appointed by the county council.

Q. Has anything been done in your council in the direction you speak of, of election by the people? A. No.

Mr. HOBSON: Q. So far as you are acquainted, and by information, do you know whether there are many favorable to your view or not? A. Well, I think there are quite a number who would like to see the officers elected. I have reason to believe there is a goodly number of those who are of that opinion.

Mr. HOBSON: Q. So far as the public do choose officers, do they choose good men? A. We have never yet suffered from the choice of the people to my knowledge, not to any serious extent at all.

Q. You think their appointments are better, or at all events as good as those made by the Government? A. Yes.

Mr. MASON: Q. They have not made any appointments? A. The people have chosen representatives to do their ordinary council work.

The CHAIRMAN: Q. You see all that you speak of now is a strictly representative choice, they choose the persons who represent them in the conduct of the affairs they are concerned with. They choose representatives to represent them in the House, they cannot all go there; but this work of administering justice, such as the duties of the county crown attorney, for instance, and Division Court clerks and bailiffs, they are not representatives of the people, they are acting as representatives of the law of the country, just as much as the officers of the highest court in the land. They do not represent the people. It seems to me anomalous to say that because the people elect representatives to represent them in the council or in Parliament, that they should also elect the officers of the court? A. Well, as I said, I would favor the appointment of those officers being just left as they are.

Q. Of course, the principle applies all the same, these are officers of justice and there ought to be the same care exercised in appointing them and seeing that they are the proper sort of men, and that they have a proper sense of their responsibilities, as in the case of the highest officer, because these men can do as much harm in their little circle as a man in the highest court in the land? A. Of course, these people have been in the habit of choosing me to represent them in the council. They also choose me to do certain work, and it would be the same in the choice of a registrar, he would be chosen to do that work. He is not a representative to represent the views of the people, but he is chosen by the people to do certain work.

Mr. MASON: Q. Do you recognize any difference in the fact that you are not paid as a councillor and he is paid as registrar? A. Well, in a sense I am paid for services rendered, I am paid for the amount of time I devote to it.

Q. That is a mere nominal compensation? A. Yes.

Q. Two or three hundred dollars a year? A. Not as much as that. The warden gets a hundred dollars in this county. It is not as salary, it is for disbursements.

CHARLES HAMMOND ROSS, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Mr. ROBINSON: Q. You know the object of our meeting here? A. Yes.

Q. As well in this county, as throughout the particular counties, and we would be glad to have your opinion as a gentleman of considerable experience. Have you had a chance of seeing the questions? A. Yes; I have the questions before me.

Q. What is your opinion then, sir, as to the present mode of appointment, by the executive of the country, of these different officers? Would you have the appointment as at present remain in the hands of the Government? A. Yes.

Q. Or would you have it in the hands of the county council, or voted upon by the people? A. I would have them as it is at present, from the fact, that if they were appointed by the people, you would have so many changes you would hardly get the same men twice. I think the appointment by the Government is preferable. I have had occasion to study this question considerably, and as far as I have enquired into it, it is the general opinion here that it should be in the hands of the Provincial Government.

Q. You do not think if it was taken out of their hands it would lead to the appointment of a superior class of men? A. No; I do not think so. I do not think it would be the proper course to adopt at all.

Q. And would you apply that opinion of yours to most of the offices you see on the list? A. To all of them. So far as I have understood for years back there has been no complaint with regard to the appointments whatever.

Q. And you have no complaints? A. I have no complaints.

Q. As to the manner in which these gentlemen have discharged their duties? A. They have discharged their duties very satisfactorily.

Q. Then sir, as to the mode of remuneration of these respective parties, would you have it by fees, or would you change it and have them paid a salary? A. No, I would not change it; in fact I would consider myself if it was changed to a salary they would not probably be so attentive to their offices as they are. It makes quite a difference if a man has a salary, whether he is there at all hours or not, but if the payment is by the fee system he has an interest in making all he can out of it.

Q. And discharging the duty as well in the interests of the public or better than if paid by salary? A. I think better.

Q. Irrespective of those officers which we see upon that list, would you have the manner of appointment of license inspectors different from what it is at present? A. Well, the different way would be by the municipality. It works much better the way it is; I am positive it works much better the way it is now. At those elections it generally happens that irresponsible and a poorer class of men get the appointment. I would keep it as it is, by all means.

Q. There has been then to your knowledge not much discussion or agitation upon either the manner of appointing these different officials, or their remuneration in your county? A. Only lately. For years back I have never heard a single party objecting to the mode of appointment, or to the amount of salary they were getting.

Q. You have been for some years yourself in the county council? A. I was in the county council for ten years.

Q. And warden as well? A. I was not warden. I was in the council altogether, for the local, and the county council, for about 17 years, and I never heard the matter mooted in either county council or the town council, as to the mode of appointment, or the salaries either.

Q. Have you any experience at all yourself now, as to the system prevailing in the States? A. None at all. I was too young when I was there. Of course I have read considerably about it. I could not speak positively as to the mode of operation there.

Q. Touching the appointment of the deputies, speaking of either the sheriffs or the registrars, would you have them appointed by the Government or left as they are at present in the hands of respective officials? A. I think the sheriffs particularly should be appointed by the Government.

Q. And the deputies? A. I mean the sheriffs themselves, as they remain now. You ask me about the deputies?

Q. Yes. A. No; I think the deputies should be appointed by the officers. My reason for that would be, if they were appointed by the Government, they might not get on satisfactorily together. I think when an officer has the appointment of his own deputy, he will choose a man that will be agreeable in the office, and most suitable to himself.

Q. Otherwise you think it would breed trouble? A. I think it would. The Government might appoint a man that might not be agreeable to the official himself, and that might cause trouble.

Mr. MASON: As to the manner of paying the officials, what is your opinion as to whether they should be paid by fees or by salary? A. Oh, I think they should be paid by fees, for the reason I stated a little while ago. If they were paid by salary they would probably not be so attentive to their duties. If there was a fixed salary, that they would get annually, positively, and if they were paid by salary, I should be afraid they would not be so attentive to their duties. They have an interest in doing business when they are paid by fees, the more they do the better paid they are.

Q. And you think they should receive a salary out of the fees? A. Out of the fees.

Q. Up to a certain amount? A. As it is already arranged by the Government.

Q. Do you approve of the graded system? A. I do, most assuredly.

Q. And do you know the minimum amount fixed? A. I have seen it, but I could not state it.

Q. $1,500 for a registrar and $2,000 for a sheriff, and then there is a certain percentage if they receive over that? A. Well, the percentage I think, for the county officials, the surplus over that I think, should be applied to the municipality.

Q I suppose where a portion of it comes from the Government, the same principle would apply, that a portion should go back to the Government? A. Yes; the same principle.

Q. In the case of sheriffs, a portion of their remuneration is from the Government? A. Yes.

Q. And with regard to the registrars? A. That is paid in the county.

Q. And should go back to the municipalities? A. Yes; still, there is a little difficulty there, because in the registry office those who pay to it get the benefit of it. While those who do not pay to it in that case would also get a benefit.

Q. How would you propose to reach directly those who have paid for the service in the reimbursement? A. I do not think it could be reached.

Q. It would be impossible to return each man his share *pro rata*? A. It could not be reached.

Q. And you arrive at it more nearly by returning it to the municipality? A. Yes.

Q. Because the great majority of them at all events are residents of the municipality, and therefore you reached them more nearly than perhaps by any other method, by giving it back to the municipality indirectly? A. Yes; that is my opinion.

Mr. Hobson: I do not know whether our Chairman asked your views as to the appointment of license inspectors? A. Well, so far as I have seen, I find that no system has answered a better purpose than the present license system all through, both the appointment of commissioner, and the appointment of inspectors.

Q. Would you just give us your reasons please, because it is a question upon which there is a good deal of difference of opinion? A. When it was in the hands of the municipalities, there was a great deal of canvassing in the liquor interests, they were a strong party at that time, and a man was almost sure to be elected if he was to canvass the liquor business, and when he did get the support of the liquor business they then had an influence over him.

Mr. Robinson: Now it is free from that? A. Now it is free from that, free from any contamination or bribery of any kind, and further than that, from my own knowledge, the liquor traders, the hotel-keepers are better satisfied with the present system than with the previous one, that is generally all over the county, amongst the hotel-keepers themselves.

Mr. Hobson: Then from your own knowledge do you think that the municipalities are desirous of getting back the power into their own hands? A. There may be some parties amongst them.

Q. But speaking in a general way? A. No; I do not think so, I do not think they are.

Mr. Robinson: Does anything else suggest itself to you? A. No, sir.

Q. You are entirely opposed to the election of any of these officers by popular vote? A. I am not in favor of that system.

Q. You think we have enough election? A. We have plenty of it. I have made the matter a particular study lately, and I find that the system adopted now is preferable to any that could be adopted.

Q. Your experience has been great? A. Yes; I have had a good deal of experience in such matters.

Q. You have lived in this county almost all your life? A. I have lived in the town about 50 years, and I have mixed up a good deal with politics and municipal matters.

EMANUEL THOMAS ESSERY, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. The officers we are considering are registrars, and sheriffs, the rest are as you see, members of the different courts, except the county attorney and clerk of the peace, the others are local officers of the courts. The two chief inquiries are as to the manner of their appointment and the mode of their remuneration? A. Well, as to the manner of appointment, I believe the Government should appoint all officials for whom they are responsible.

Q. That would include all these in your opinion? A. Yes; I think so. The Government ought to be responsible for the actions of the officials that are mentioned here.

Q. Excepting the registrars, they are all more or less connected with the courts. Do you consider any of them municipal local officers as distinguished from provincial officers? A. I fancy they are more provincial officers than local officers.

Q. Then you see no reason for a change in the manner of appointment for any of these? A. No, sir; the only officials that have been appointed different from the others that I see there are the Division Court bailiffs.

Q. They were formerly appointed by the judges? A. They used to be appointed by the judges.

Q. And the clerks, I presume? A. Yes.

Q. Do you see any reason for reverting to that? A. The Government might as well be responsible for the actions of these men as anybody else, and then you know where to go.

Q. That clears off all the first line of inquiry, leaving the present system as it is. Then as to the manner of compensation? A. I think no official should receive a fee of any kind.

Q. That is, for his own use? A. Yes, for his own use. The fees should be paid and should go directly to the Government, and the man who collects the fees should be paid a salary for his work. Then the people who go to the office, if the wrong kind of a man has been appointed, are not likely to be imposed upon. If he has nothing to make out of the fees he is not likely to increase it, as he otherwise would; and if the fees are more than the services of the official are worth the country gets the benefit of it.

Q. Do you favor the present manner of dealing with the fees where they are larger than would satisfy the office to have a certain amount paid and the rest paid over with a percentage on the amount to the officer? A. I think the whole of the moneys should be paid over, and where there is more than sufficient to pay the man's salary, more than his work is worth, the whole amount should be paid over, and then it should go to help to remunerate other offices. In other words, it should go into the treasury for the benefit of the whole of the people.

Q. Then you would really say as to the registrars to fund all the fees, and out of that fund pay all the registrars all over the country a fair salary? A. Yes; and the balance to be used for public purposes. If the registrars are not getting sufficient to keep them, then there should be a re-division in order that the officers should keep themselves.

Q. You would draw from the large offices to pay the small offices? A. I would if it was necessary, but there is no necessity for creating small offices in order to draw from the larger. The smaller offices should be divided again as they formerly were and the money from the larger offices then could be used for public purposes.

Q. Take it in a county that is young and sparsely populated like Manitoulin? A. In a case of that kind the surplus funds should be taken to help in keeping up that office.

Q. You would have the surplus in the case of registrars go to the municipality or to the Government? A. It would be just as well for the municipality to get that.

Q. They keeping up the offices and buildings? A. They have to keep up the offices and buildings as it is now. I think they should get the surplus.

Q. Would you favor that or a reduction of the fees by which there would be no surplus? A. The trouble about that is that you may reduce the fees and get it too low. The fees are not excessive at present, and the returns that come from them might be useful to the community.

Q. There would be trouble also in equalizing the reduction in different counties. It would be difficult to reduce it all along the line? A. The trouble might arise of a deficiency altogether. As it is now, we do not find the fees very excessive. The only trouble is, where the officers get the fees and get nothing else, they are apt to charge more in fees than they otherwise would. If they were getting a regular salary there would be no incentive for them to collect more than they were entitled to under the circumstances.

Q. Do you think that the county councils should not appoint these officers? A. Well, supposing that the county councils did appoint the officials connected with the county. Would they be any better class of men than they are now? That is the way I look at it. A man might be appointed by the county council simply because he had been an old member of that board, not because he possessed the necessary qualifications. If he is appointed by the Government and he is inefficient it is an easier matter to get at him and have him removed than it would be if he was appointed the other way.

Q. As to election by the people, how would you regard that? A. The same thing applies to election by the people. A man could be elected who was not qualified to fill the office. He might be elected for some other reason than his

fitness for the office. A popular man, a man that would make a rattling good representative for the county at the municipal board, might not be fit to fill the office which he might be elected to as registrar or sheriff or something of that kind where special requirements are necessary.

Q. Do you think that popular elections would run on party lines? A. All I know is the experience I have had in the city of London. The political machine has opposed me on every occasion here, but I have been able to get through by the help of the whole of the people in spite of the machine. But that machine would injure some men, while it does not reach others. I know that political machine has been used on both occasions of my election here, and that the men who were looking after the polling subdivisions are the same men who took charge of polling subdivisions at elections.

Q. That would be the drift of things in all popular elections; the tendency would be to employ the political machinery for the purposes of all elections? A. Well, that is what I am afraid of. Some of the newspapers live by constantly calling upon the party to do something.

Q. Then as to deputy officers, how would you provide for them in the case of sheriffs and registrars who need deputies? A. Well, if the sheriff is appointed by the Government and he has to be responsible for the carrying out of the work of his office, he ought to have something to say in connection with the deputy under him, and the same way with the other officials. If he is to be responsible to the Government for the good conduct of those who are in his employ he ought to have something to say as to who they shall be, because a man might be appointed sheriff and another deputy for the same Government, and it might be worse for the office than it would otherwise be, that is, if the appointment lay in the hands of the chief official.

Q. As to the amount of the compensation of the deputy, would you leave that to the chief officer also? A. I think any man who works in a public office under a Government ought to get a fair living, because if he does not get it from the official who employs him he gets it from somebody else.

Q. Would you have the chief officer fix the amount with the sanction of the Government inspector? A. I think the Government ought to be responsible for all these officials that are appointed for their salaries.

Q. The deputy, the assistant, he is appointed by the chief? A. I think the chief ought to nominate his officers, and if they are qualified the Government ought to be responsible for their acts, and being responsible for their acts they ought to be responsible for their pay.

Q. Would you hold the chief then exempt from responsibility for his deputy? A. I think that the money should come out of the office, that is, from the fees that come to the office.

Q. I was speaking rather of the responsibility of the sheriff for acts of his bailiffs or deputy? A. He should be responsible for the acts of his bailiffs, but the Government should be responsible as well. If these men occupy a position in which they have control over the property or persons of other people, then the Government ought to be responsible in a manner for the whole of it.

Q. In what way do you mean, if a mistake is made by a bailiff? A. If a mistake is made by a bailiff, if an honest mistake, he should be protected.

Q. Do you think there should be some indemnity fund? A. I have never thought about that.

Q. If a sheriff is paid by salary and is called upon to pay for an honest mistake that has been made, should he stand that out of his salary? A. No; if he makes an honest mistake he should not be compelled to pay, because he tried to act honestly; if anybody suffered loss through it, compensation for that loss should come from the general fund.

Q. Would you favor consolidating any of these offices in the smaller municipalities? A. Wherever there is an office that does not require the time of a man to look after it, there is no reason why he should be paid a full salary for working only a portion of the time, and those offices should be consolidated. In the old days the clerk of the peace and the county attorney used to fill the same offices, and there was no trouble about it.

Q. They do now? A. But they are divided, they can be divided. There is no reason at all why they should be divided.

Q. There is no division, I think, except in Toronto? A. Well, the law allows of a division, and there should not be any separate offices; there should be sufficient officers to carry out whatever work is required, but offices should not be multiplied for the purpose of giving them to political adherents.

Q. Would you favor these officers doing any other business outside of their official duties? A. No; a man that is appointed a public official should either be kept within the line of his office or else the office should be abolished.

Q. What do you say as to the office hours; are they long enough, or would you extend them? A. From 9 o'clock until 5 o'clock is long enough I fancy for any public official. Lots of us have to work twice as long as that.

Q. From 10 o'clock until 4? A. Well, yes, in the usual way, but from 9 o'clock until 5 would be long enough, and a man who makes a good living between those hours does very well. I know the lawyers have not been able to do it.

Q. They do not adopt the eight hour system? A. No.

Mr. MASON: Q. Nor the eight hours' pay? A. No.

Q. As to the county attorneys and clerks of the peace, you favor them getting a salary? A. I favor every official that is mentioned there getting a salary, and if more money is derived from the fees than is sufficient to pay that salary, it should go to the public benefit.

Q. In the case of sheriffs and Division Court bailiffs, do you think the services required of them would be as promptly and efficiently rendered if they simply drew a salary irrespective of their work? A. Yes, I do. I think that any man who is fit to be appointed either a sheriff or a bailiff would be just as conscientious under a salary as otherwise, and he would be a more manly man, too, over it.

Q. Then you do not approve of the present fee system, of giving a percentage on the extra fees, on the ground that better collection is made, more accurate collection, and that no favoritism is shown towards friends in the way of letting them off the payment of fees? A. I do not think that would affect any official at all. He should be paid a decent salary for the work that he is expected

to do, and then he would be able to do his work and would have nobody to fear He would know where his salary was coming from, and he would not have to chase around for fees as some of them do. I have known men who received fees to grind people simply for the purpose of getting them. In fact we have been infested with what are called bureaus in this city and county, and some of the most disgraceful proceedings were to be witnessed there. They robbed the rich whenever they knew they had funds, and outraged the poor in order to make them come to time.

Q. Would you fix the compensation on the basis of the fees received for five years or so? A. I do not know how that would be managed, that would be a subject for the Government to consider, but I fancy if the Government inquired into the matter they would be able to reach a suitable basis and one that would be satisfactory to all parties.

Q. That would be the element to be considered, the receipt of fees? A. Yes.

Q. Would population be any element? A. The population and the volume of work done are two matters which I fancy would have to be considered.

Q. And the responsibility of the office? A. Yes; the larger the office the more the responsibility.

Q. And the sheriff's responsibility is greater than that of the registrar, for instance, I suppose, in your opinion? A. The sheriff is a pretty responsible officer. The registrar ought to be a man who would look after what took place in his office.

Q. I mean the liability of the sheriff is greater. He is more liable to suffer from the errors of his assistants? A. Yes.

Q. He is open at a great many points, and the registrar only at one? A. Yes; the sheriff has to take a great many more chances than the registrar.

Q. Then he should have a higher salary? A. I think so.

Q. Have you considered at all what would be a fair compensation for the different officers in the county? A. No; I have not thought about the matter much; I had no idea I was coming here until the secretary came a few minutes ago, when I came down at once. But there are lots of men who become provincial officers who get a great deal more than they otherwise would, a great deal more than good men are working for. I do not believe in cutting down a man's fees simply because a hue and cry is got up about it. I believe in looking into the circumstances and making up your mind after you know what the circumstances are.

Q. Each case should be investigated by itself, I suppose? A. Yes.

Mr. Robinson: Q. Would you be in favor of any system of promotion in the respective offices, the deputy taking the place of the chief man? A. Where the deputy is a good man and well qualified there is no reason why he should not become the chief. Oftentimes as it is now the deputy does the whole of the work, and the chief officer dies and is followed by another one. That has been done in the city of London here in this registry office that we have belonging to the North and East Ridings; the deputy who has conducted the work now for the last three years was deputy for a former registrar, and for the registrar before him.

The CHAIRMAN: Q. Do you favor the division of counties for registry office purposes in large counties? A. Where the county town is central I fancy it is just as easy to get to the county town as to go to any place else The railway facilities and everything of that kind make it easy to get to the county town, and you can get in and out from any part of the county to the county town with much greater ease than other places.

Q. I suppose it would be difficult to change the registration subdivision now, having divided it, and having gone on with the surveys in a locality? A. The difficulty would not be much more than that of making the change at the start and taking the books away. Certain copies were made and taken out, and those could be brought back just as easily as they were taken away.

Q The division, of course, was for the purpose of facilitating the work and accommodating the public, to prevent the work becoming congested in a big office? A. That may be.

Mr. ROBINSON: Q. You are decidedly of opinion, Mr. Mayor, that you would leave all the appointments as they are now, in the hands of the Government, in preference to having the appointments made by county councils, or having the officers elected by the people? A. I can see no advantage to be gained, because Parliaments are held annually, and if anything goes wrong with those who are appointed by the Government some representative or another is always ready to take the matter up, and you get fuller discussion than you otherwise would. If the officer was elected by the county council or city council he might not be reached any easier than in the other way. Where the appointment is made by the Government the Government has to take the responsibility.

Q. You would put clerks of the peace and county attorneys on salary? A. I would put them all on salary, sir.

Q. It is said they are in a position sometimes to make business for themselves, and that they do it occasionally; has that been your experience at all? A. Well, my experience for the last twenty years was that in this city business was made by the late county crown attorney. There was a bureau system run here in connection with himself, and there were hundreds, I might say thousands, of cases, little petty cases, out among the people dragged all over the county by county constables, and bureau magistrates, where there was no necessity, and we found the crown attorney backing up the magistrates and the constables. There is no question it was a combination in which the magistrates and constables were really partners, and business went on every day. The constables would stand here on Saturdays, here at the hotels, and inquire of the farmers what was taking place outside. It has been known that a farmer would give information that two men in his neighborhood had been fighting, and one constable would start off for one of the men and another to the other one and tell each of them that the other was going to have him up, and that he had better get at him first. Then if he would not take the other up the constable would threaten him as an officer of the law with proceedings Complaints of that kind of thing have been made by men here in the witness-box.

The CHAIRMAN: Q. The salary system would go far to stop that? A. It would stop that altogether. Since the new county crown attorney has been appointed that kind of thing has dropped out of sight to a great extent.

Mr. MASON: Q. What plan would you propose to fix these salaries? A. The Government would have to consider the amount of work to be done and the responsibility, and fix the salary accordingly.

Q. How would you arrive at that knowledge? A. Well, the members of the Government are generally men who have a good deal of worldly experience; they know what is paid to other people and what they get themselves, and they would have as good an idea as anybody else.

Q. But you stated that it would be based largely on the work done? A. Yes.

Q. How would they be able to tell? A. They are supposed to get returns, and from those returns and the official inspection they ought to be able to get at it.

Q. Then you would grade these salaries in different counties? A. Yes; according to the work done.

Q. As shown by their returns chiefly? A. Yes. There are some counties that are large, in which the volume of work would be considerable, and others in which the population is sparse, and less work would require to be done.

Q. In some years more work is done by these officers, especially the registrars and sheriffs, than in others, and a greater amount of fees returned; don't you think they should have a certain share of the surplus? A. They only do a year's work in any year, and if they are paid for that year's work they should be satisfied.

Q. Don't you think it would be an incentive to them if they knew they would have a share in the surplus, and that it would not all go the Government? A. I don't think it would make any difference. I think if the right kind of men are appointed they will do the work, and that will be the end of it. They ought to be paid a salary sufficient for the office they hold, and if there is more work one year than another, if they are not able to do the extra work additional assistants would have to be employed.

Q. In the case of registrars, I understood you first of all to say that you would favor the surplus going to the Government, and subsequently, in reply to a question by the chairman, you said that possibly in the case of registrars it should go the municipality? A. Well, if the Government becomes responsible for everything.

Q. If they pay for everything? A. Yes; and keep everything up.

Q. Then it should go to the Government? A. Then it might go to the Government; but the Government is unloading on the municipalities everything they can.

Q. The surplus? A. No; they never unload a surplus, but the work.

Q. They are unloading the surplus now, the registrars' surplus? A. The municipalities have not got it yet. I understand that they are at work on an Act in Toronto at present.

Q. But there is one already in force? A. Yes; I understand that thoroughly.

Q. The county of Middlesex last year got $271, and the city of London $35.60; they are going to get more now, apparently? A. Well, it will be time enough when we get it to talk about having had it.

Q. But you have had something? A. Yes; but so little that for every dollar we have received we have spent five or six and more than that.

Q. Then I understand you to say there was an inclination on the part of these officers to charge fees in excess of what they should be? A. I said that the fee system was wrong, that the fees should not go to the officer, because if a man's salary is derived from the fees in that way, his first duty is to himself, to see that he gets enough, and occasionally a man might be appointed who might consider that more of the fees were due to him than he ought to get.

Q. That would not be in connection with the sheriff? A. It is the same thing; a man sitting there receiving his fees.

Q. There are two reasons why the sheriff cannot do it; there is a fixed tariff of fees, and nearly everyone who uses those offices, that is lawyers, know that, and then there is the Government inspection? A. Well, the Government inspections may be all right so far as the Government are concerned, but it does not do much good to the man who pays the fees. If the official simply gets a salary instead of a fee there is no incentive whatever to charge more than what is right. He might charge more than was right or might have wrong ideas. If he gets more than his fee it costs more to get it back than it would to lose it.

Q. You have had considerable experience of those two officers? A. Yes.

Q. Do you know of any cases where they have overcharged you? A. There have been cases where I thought the fees were excessive, but it does not pay to make a complaint.

Q. You think all that would disappear if they were paid salaries. A. I think it would be more in the interest of the public if they were paid salaries. I do not mean to say that the sheriffs or other officers are worse than anybody else, but different men take different ideas of what they are entitled to, and sometimes they get the idea, honestly enough on their part, that they are entitled to more than they ought to get; they make a different interpretation.

Q. If they do this honestly, would they not be just as likely to do it honestly for the Government? A. If they did it for the Government and the Government got the excess of the salary the people would get it back in some shape.

Q. It would be easier to get it out of the Government than the sheriff? A. I don't know that it would be; but that is my belief.

Mr. ROBINSON: Q. In your position you hear a good deal of public opinion; have you heard many expressions of opinion as to the desirability of changing the manner of appointment of these officers? A. Only what I see in the newspapers and what has arisen lately.

Q. Has it been brought up in the council for your consideration at any time? A. No.

The CHAIRMAN: Q. Would you favor fixing the salary for the different officers, and providing that it shall be paid out of the fees, but if the fees do not reach that amount that the officer should only get the amount of the fees? A. I think if the offices are not able to pay their way, and the fees are as high as they should be, then the offices should be amalgamated, and by that means there would be less officials, and the fees collected would be sufficient to pay the whole of them.

Q. That was not exactly my idea. I say, suppose the salary was fixed at $1,800, and the officer is not to get more than that. Suppose his fees in one year should be only $1,600. In that year he would only get $1,600; but if the next

year they ran up to $2,000, there would be $200 of a surplus which he might have to make good the deficiency of a previous year? A. I am opposed to an official receiving a fee of any kind. If his salary is fixed at $1,800 and the fees only come to $1,600, the deficiency should be made good. I am opposed to officials receiving fees, because I believe it is in the interest of the country at large and of the people themselves that the officer should be paid for his services, and that he should not be required to look to the fees at all; I believe that the office would be better conducted, and that it would be better for the officer and also for the public.

Q. How would you deal with the case of the Division Court bailiffs? A. If they cannot make a living out of it?

Q. Yes. A. Well, then, in the small divisions where there is not enough for either the Division Court clerk or the Division Court bailiff, let the clerk do the whole of the duty. In these outside country divisions they only hold court perhaps once in two months, and there would only be half a dozen cases. You could not pay a salary to two men in that case; but whatever it is worth to do that work should be paid for it, and then one man could do it easily enough. The Division Court clerk could easily serve the process and could call the witnesses while he was in court, and hand them the bible upon which they are sworn. If a seizure was to be made the Division Court clerk could make it just as easily as the bailiff. They cannot live on the fees they get.

Mr. Brooks: Q. While you approve of these officers being appointed by the Government, have you ever had reason to believe they were appointed upon other grounds than their fitness for the position and the work required? A. I have been too long in politics not to be aware that the best men do not get appointed to political offices on either side. I have worked on both sides. I don't owe either party anything; I never did; they are indebted to me. It is not the best man always that gets the office. Sometimes it is a good man's relative, or some man who has done what is supposed to be work for the party, and in order to help in his declining days, or to help him when he is hard up, he sometimes gets an office that he would not otherwise get.

The Chairman: Q. You do not suggest anything for getting rid of that? A. I do not see very well how it can be got rid of.

Mr. Robinson: Q. By county councils or anything of that sort? A. I suppose county councillors are like city councillors. Sometimes they have friends whom they want appointed, and the same thing would happen there that would happen any place else.

Mr. Brooks: Q. If it should be the case in any of these positions that the chief officer received from two to four thousand dollars a year, and employed a deputy at five or six hundred dollars who did all the work, do you think that was in the interest of the people generally? A. No, sir; I think where a deputy can do all the work for five or six hundred dollars a year there is no necessity for the other man receiving the balance of the fees at all; he should either do the work that he was appointed to do as far as he is able, or with the assistance that is necessary, or else the Government should dismiss him and appoint somebody else. I believe a registrar or any other man who takes an office should perform the duties of that office.

The Chairman: Q. Still even in the smallest office he must have a deputy, because a registrar cannot always be there, and the office must be open at certain

hours. The registrar is often called away for the purpose of giving evidence and so on? A. Yes; but the registrar should take charge of the office and do the work of the office, and the deputy should be there to assist him.

Q. He ought to be a working head? A. Yes; I admit that the sheriff or the registrar is often called out, but we all know as a matter of fact that very often the man who does the work and looks after the office is a man who, as Commissioner Brooks has said, gets a very small salary, while the other man reaps the profit. In that way the office is simply a sinecure for the appointee of the Government, and that should not be.

Mr. BROOKS: Q. Don't you think if the power of appointing persons to these offices was held by the county councils that would be remedied? A. Well, I don't see how it would. County councils are composed of pretty good men, but they are not permanent; they come and they go. One year a man may be in the county council and the next year he may be out of it and never get back. A government stays longer, and the men who are Cabinet Ministers are in the habit of staying there year in and year out, so that the responsibility attaches to them, and you can get at them much easier than you can get at the members of a county council.

The CHAIRMAN: Q. Where you have a council composed of thirty or fifty members, can as judicious a selection be made by them as by a smaller body of six or seven? A. Well, the trouble about the choice in that case is that two or three men may have such influence over the remainder that they can get any one they see fit to stand by appointed.

Q. But is not the sense of responsibility greater where you have a small compact body? A. Yes.

Q. Where you have a committee of say three to do work, is there not a greater sense of responsibility than where there are a large number? A. Yes; I believe that is so. I believe the smaller the body the less opportunity there is of log-rolling, which is the great trouble in a large body. That is the reason I believe in the Government being responsible for all these officials. I came into the city council two years ago; that was my first appearance, and I am going out at the end of this year. Now, a Cabinet Minister stays in for years all the way through, and he and his colleagues are responsible to the people all the time. The county council changes just in the same way as the city council.

Q. It is also found in the United States that the fewer officers you give to the people to elect the more careful they will be in their choice; that is if you have a long list of officers to be elected they do not exercise the same care as when there is only one or two to be elected? A. The trouble over there is that professional log-rollers and wire-pullers generally manipulate the offices. If you read *Harper's Weekly* every week during the year they are working away at the municipal government of New York, pointing out that men who never hold responsible offices are controlling the municipality.

Mr. ROBINSON: Q. And they cannot get rid of them? A. No; they are professional politicians, office-makers.

Q. It is an abuse of the popular vote? A. Yes; I do not take much stock in the American system.

The CHAIRMAN: Q. Is there anything further in regard to which you would like to speak? A. No; I do not think there is.

WILLIAM WORKMAN, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Mr. ROBINSON: Q. You have lived in this part of the country some years? A. I have lived right in Stratford for upwards of twenty-five years.

Q. During that time you have interested yourself in municipal matters? A. No; I cannot say that I have given much attention to these questions.

Q. Have you given any thought as to the way of appointing sheriffs or registrars? A. I cannot say that I have.

Q. Then I suppose you are satisfied with the present way of doing it, by the Government; do you prefer that to election by vote of the people? A. I think I would prefer the present system to any of the alternatives suggested.

Q. And as to the mode of payment, would you prefer to have it remain as it is at present, by fees, or would you have them paid by salary? A. I suppose there are some cases where the fees are very large, and then I suppose there is the payment of assistants to be considered.

Q. Are you aware of any injustice taking place under the present system? A. No, sir.

Q. Have you heard the subject agitated or talked about much? A. I have not heard it much talked of among the people.

Q. You would rather have the present system continue than any of the suggested changes. A. Yes.

WILLIAM P. PROWER, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Where do you live, Mr. Prower? A. At Bowmanville.

Q. What is your municipal office? A. I am reeve.

Q. Have you had this list of questions? A. Yes; but I have had hardly time to look at it.

Q. In that case, we will not trouble you very much. A. To tell you the truth, I have not thought a great deal about the matter.

Q. It is a subject of interest; I suppose you have formed some opinion concerning it? A. Yes. It is a matter that we have discussed in our municipal councils. We think that where we have to pay the officer we should appoint him. That is certainly the case.

Mr. ROBINSON: Q. Speaking of any particular office? A. No particular office. When you come to look into the question, it would vary; there is no doubt about that.

The CHAIRMAN: Q. In any of these offices that we have here before us do you think that the appointment should be changed, having regard to the way the officers are paid? A. Well, sir, I have not given the question a thorough investigation.

Q. You have not studied it in detail? A. No.

Q. It is just a general principle you hold about that? A. Yes.

Q. That whoever pays should control ? A. Yes.

Q. Would that involve fixing the salary of the officer ? Suppose the county pays, would you have the Government fix the amount that is to go to the officer, or would you have the Government leave it in the hands of the council ? A. I think the county should fix the salary.

Q. The whole control would be in the hands of the council ; to appoint, pay, discharge and supervise ? A. I think so. Where we have to pay we should fix the salary.

Q. In that case, would you have any Government supervision of the officers appointed by the county ? A. I think there should be. There should be some general supervision.

Q. Do you consider that in that case there might be friction, collision, a difference of opinion between the Government inspector and the appointing county ? A. No doubt there would be.

Q. And the system might not work ? A. That is true.

Q. Might not work harmoniously ? A. It might not work any more harmoniously than the present one.

Q. Does the present system work inharmoniously ? A. There are many people who think it does.

Q. Speaking for yourself ; have you any reason to believe that the present system works to the disadvantage of the public ? A. I would not say that.

Q. The idea is rather that it is a matter of feeling on the part of the counties, that if they pay they should have more to say ? A. Correct

Q. Is it with a view to greater economy that they want to control matters ? A. I think in some cases.

Q. And probably there would be less compensation given to some of the officers if the counties controlled than there is now ? A. No doubt about it.

Q. That covers as far as you have investigated the matter ? A. Yes.

Q. You do not speak of any of these in detail ? A. No ; except as to the license officials and the jailers. As to these, I think that they should be under the appointment of the counties.

Q. The sheriff is responsible for the action of the jailer ? A. I grant you that.

Q. Should not he have the appointment of the man for whom he is responsible ?

Mr. ROBINSON : Q. Would you relieve him of responsibility ? A. I certainly would.

The CHAIRMAN : Q. Then your plan would be to put the jailer in by the counties, and relieve the sheriff of responsibility for him ? A. Yes.

Q. Then at once you make a vital change in the administration of justice ? A. No doubt about that.

Q. At present the sheriff is an officer of the court, and responsible for the keeping of the prisoners in the jail ? A. Yes.

Q. You would then take it out of the control of the courts and put it in the control of the county council? A. Yes.

Q. That would be a serious change? A. Yes.

Q. Would it be a beneficial change? A. It might not cause any injury.

Q. But it is not safe to make experiments in the hope that no injury will follow when you have a constitutional system to deal with? A. Yes; but the system would work itself out in time. There is a good deal of friction in this county with respect of the death of the two last jailers.

Q. Suppose this change were made; that the appointments be made as at present, with the sanction of the county council as to the men? A. Well, I don't know about that.

Mr. ROBINSON: Q. You would rather have it direct? A. I know that the county council spoke of it at the particular time, because it occurred twice. Two deaths occurred here in our county, of the jailers. I don't mean that there has been any particular trouble, but attention has been called to the matter because of the two vacancies happening. I do not mean to say that there was any dissatisfaction with either of the appointees.

The CHAIRMAN: Q. In reference to the license officers; you do not agree with what the last witness said, that there is a better class of taverns and hotels now than there was when the councils appointed the license officers? A. I did not hear him give his evidence. I think that the public opinion about taverns and drinking differs a great deal from what it was ten or fifteen years ago; and whether the Government or the councils have control of these taverns, the state of things must be different now from what it was then. Men of ordinary moral habits look upon frequenting these places in a very different light from what they did fifteen years ago; so that I do not think the manner of appointing the license officers would make much practical difference. You can find taverns in the county that have not lodging accommodation up to the requirements of the Crook's Act and yet they have a license. I think these things will tend to cure themselves.

Mr. ROBINSON: Q. Would you put the appointment of the license officials back into the hands of the council? A. Yes.

Mr. HOBSON: Q. You think that public sentiment has a great deal to do with the change for the better? A. Yes. If a man is going to take his grog now, he will take it home and go to bed to sleep. I have not seen one drunken man in the town of Bowmanville in six months.

W. S. CAMPBELL, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. How long have you been treasurer? A. Nineteen years.

Q. Before that did you occupy any municipal position? A. Before that I was ten years in the council. I was born on the farm where I live in the county.

Q. Have you had anything to do with the officers named in this list? A. Yes; I have been connected with them now for nearly thirty years.

Q. What in your opinion, is the best way of making these appointments? A. I am somewhat democratic in my opinions. I believe in the people electing

all the officers from the county judges down, and I have not formed that opinion just lately; it is not from the Patrons of Industry that I have got the idea, but I had it years ago.

Q. You think from the county judges down all these officers should be elected by the people? A. I have never thought particularly about Division Court clerks or bailiffs. I certainly would leave that in the hands of the judges.

Q. The bailiffs and the clerks too? A. Yes.

Q. Why do you favor election by the people? A. Because I believe it is the true system of government. I believe every man in a public position should be amenable to the people.

Q. He is directly as amenable now? A. He is indirectly.

Q. When you have a large constituency of forty or fifty thousand people how do you expect all those to make an intelligent choice of a list of officers submitted to them? A. I think they would inform themselves as to the qualifications or ability of a man seeking office; I do not think there would be any greater difficulty in getting that information than there is at the present time in electing councillors for the municipality.

Q. Is it not the case that the fewer you give them to elect the greater the care they will exercise in their choice, but as you give them a larger number to elect they are more careless, more reckless, do you not think that that is the general experience? A. I do not believe they are as careful now in electing as they were years ago, but I have still faith in the people's judgment to choose suitable men for the position.

Q. I think your theory is sound if you confine it to small areas, where there are only from one to three or four hundred people, there I think you would get a perfectly good choice. But when you come to a thousand or to fifty thousand people, how can you have an intelligent choice? A. Well, you ask me how—

Q. Would not they divide upon the present political lines and run on them? A. I think they would.

Q. Then how are you any better off? A. Simply that the people have the control of it themselves, and if a man is not a good man they can put him out and put another man in his place; if he is not a good man they will do that.

Mr. Mason: Q. Or a man that pleased them? A. A man who is a good man will always please them.

The Chairman: Q. Would you have them elected for terms? A. I would make the term longer than any I have heard of, I would make the term of the more important offices not less than ten years. When a man got so old that he could not fill the office I would have him drop out.

Q. Of course you favor appointment to your own office by the people also? A. Yes.

Q. You would not give the county councils the power of appointment in any case? A. No.

Q. You would not favor that as a change from the present system? A. No; I think it would place the county councils in a very uncomfortable position, one that would not be good for the country.

Mr. HOBSON: Q. Would you think it desirable in the case of a county treasurer when he had become thoroughly acquainted with his work to put him out and have a new man? A. That is true, but no man is so well up in his duties that another cannot be found.

Q. But if a man filled his place well and became thoroughly efficient, it is hardly in the interest of the community that he should change? A. But is it fair that no other man should have an opportunity of getting that position?

Q. Of course, that as the answer, and then the tendency would be to shorten the terms of office as much as possible? A. I think it would.

Q Your term of ten years would not hold? A. I would not ask ten years for the like of my office or the minor offices, but the sheriff, registrar and county judge I think should have a term of ten years.

Q. And the minor ones? A. About four years.

Q. Don't you think that corruption would be fostered by that means? A. I don't know why we should expect it any more than we have it in existence at the present time. We have a yearly election of mayors.

Q. There is no compensation attached to that office adequate for the support of the man? A. No; but I don't imagine that it would follow to any great extent. It might in cities, but I don't think it would in rural constituencies.

Q. I think there is no peradventure about it in cities? A. Yes; because of what I think might be called wardsmen, active men.

Q. A class of professional candidate makers or politicians would spring up? A. I think it would have that effect in the cities.

Q. But you think the counties would be able to withstand that? A. Yes.

Q. Do you think that that would be a much more expensive system for the municipalities than the present system; would not it entail much more expense? A. It is possible it might, but I would make the officers pay that where there is an excessive fee.

Q. They would draw excessive fees and pay for the election? A. It would have to go into a township fund or in the county to a county fund, and the expenses of the election should be paid from that fund.

Mr. HOBSON: Q. But it is the poorer counties that would suffer most, they would have to suffer all the expenses of the election without being recouped in any way; it would bear very heavily on them.

The CHAIRMAN: Q. Then I understand you would not make any distinction between officers who are purely and properly municipal officers such as yourself and the county clerk, and officers such as the sheriff? A. Not as to election.

Q. The one is a state or provincial officer and the other a municipal officer, but you think the people should choose in both cases? A. In my opinion.

Q. Then as to the manner of paying these officers? A. I think the fee system should prevail, because I think the parties making use of the offices should pay for it. But I think the fees are excessive in some cases, and that less might be collected; but I am not familiar enough with the charges of many of the offices to know what they should be. For instance, the deputy clerk of the crown, there are certain charges there, and there has been some legislation re-

ducing the charges in regard to the administration of small estates. I have had something to do with it, and I thought that the charges were exorbitant. Another thing I have looked on as being excessive is the examination of witnesses before trial, before Mr. Rubidge. There are other fees charged in certain offices for which there is actually no service performed. If the official has got to be paid, let us pay him directly, rather than pay him for that that he does nothing for.

Q. What office is that? A. The sheriff is one; he gets one dollar for the discharge of a prisoner, and four dollars for every return. There are many little returns he does not make himself, and the labor of making them is so small that a dollar would certainly be a very liberal fee.

Q. What do you think the sheriff should get, if you were going to pay him a salary? A. That would depend on the counties. In this county $1,600 would be the outside figure.

Q. Then how would you protect him in case of mistakes in law which sheriffs do make, and which expose them to actions for damages? Should he pay those out of his salary? A. He must learn his business.

Q. They do sometimes in that way. Would you not give him a little more salary, say two thousand dollars, and let him shoulder all the trouble and responsibility? A. When I say $1,600, that is for himself; and if his fees ran beyond a certain amount I would give him a share of the fees beyond that.

Q. That is very much the system that we have now, except that you would draw the line a little lower down? A. Yes; a little lower.

Q. Would you make any allowance for those officers who are exposed to responsibility? Most of them are not. The registrars are responsible for any mistakes occurring; and the sheriffs? A. Well, I have responsibility myself; if I lost any money I would have to make the shortage good.

Q. But you are only responsible for your own acts. The sheriff is responsible for the acts of others in his office. A. Then they must appoint men in whom they have confidence. I think if they paid their subordinates better salaries, in some cases there would not be so much of that.

Q. Is it not a fact that if financial matters were left in the hands of the county councils they would be rather inclined to be penurious? A. Yes; I think they would be closer than they ought to be; but I think that men from the rural municipalities do not realize fully the services performed as well as business men do; that has been my experience.

Q. I understand your idea in advocating the principle of election to these offices is chiefly that it would satisfy the people? A. Yes; I think it would satisfy the people; and they would have the privilege of making a change the end of the term if they thought proper.

Q. How would you deal with the case of cities; because I think you are prepared to concede that in the larger cities more corruption would be likely? A. I certainly would give them the privilege of trying it; I would let the citizens take the risk. I think myself that a little punishment on the public would have a wholesome effect in the choice of even their present officers. What is called the better class of the community holds themselves above taking part in municipal elections, and allow the people who have not so much at stake, and who do not realize the position they are in, to control them.

Q. It may end in that, but at present it is very difficult to secure the return of a good man; he is run out? A. I fancy the city of Toronto has returned pretty good men as officers lately.

Mr. MASON: Q. Aldermen? A. I don't know.

The CHAIRMAN: Q. How would you have the inspection and supervision of the officers arranged for; by the people? A. I think the Government; I would have Government inspection.

Q. And the only change you would propose is as to the manner of appointment? A. Yes; with some reductions in some of the items of fees. I think they get more than is fair out of the people, and nothing goes back to the counties for the expense of keeping up the offices, and nothing goes back to the people.

Q. Why would not you favor the county council making the appointment? A. I think it would impose upon them a disagreeable duty.

Mr. MASON: Q. Do you think as a result of your plan the best men would be likely to come forward for these positions; would such men go through the turmoil and worry of an election? A. I believe we would get quite as efficient officers as we have now.

The CHAIRMAN: We would be as well off? A. I think so.

Mr. HOBSON: Q. But the cost of getting them would be very great? A. I do not think the cost of the elections would be a serious matter; and I would put the excess of fees from these offices into the county funds, and let the county pay the expense.

Q. A great many of the offices now are barely self-sustaining? A. I don't think anything like the majority of the offices are so. I do not think I am penurious in my idea of the salary. I think many of the officers get higher salaries than is necessary.

The CHAIRMAN: Q. What would you say as to registrars in the country? A. I think the same salary I have mentioned for the sheriff would apply in his case, and also in the case of the deputy clerk of the crown and the county crown attorney.

Q. Don't you recognize a greater responsibility on the part of the sheriff than on the part of the registrar? A. Yes; more than on the other officers.

Q. Then would not you increase the salary on that account? A. I would give him extra fees beyond, but I think $1,600 would pay for the occupancy of the registry office.

Q. Then in the main you approve of the American system? A. I do not understand the American system, but I suppose it is very much on the same principle.

Q. Of course, they extend the principle to the Superior Court judges? A. Yes.

Q. But the federal officers are appointed; marshals and clerks of the courts are all appointed as we have it here; it is only in the state government that they have popular elections. The federal sheriff is called a marshall, but it is the same thing as a sheriff; he discharges the same functions under a different name? A. There is one question connected with the fee system which I think increases the expenses of a county; that is charging fees by certain officers who make

money by the fee system. I refer to constables and the manner in which their duty is sometimes done. I believe the expenses in this county are very much increased by the fee system in that connection.

Q. But you must have some officer to carry out the orders of the court? A. Yes; but I would have them appointed in a different way. I would have a county constable paid a salary, and I would not have him increasing his fees by trumping up cases. I think we have many cases come into our courts which lead to considerable expense, but which there is nothing in.

Q. That is a matter in which the Provincial and Dominion Government should both act together? A. Yes.

Q. The constables are now appointed by the justices in quarter sessions? A. Yes; and once appointed always retain their office. I would have one chief constable for a county, to be paid a salary and to collect fees when out on active duty. He should have control of all other subordinate constables, of whom there should be one or two in each municipality, to be paid by fees when employed, and who, if the fees were not sufficient to remunerate them, should be paid out of the county funds. The chief and all subordinate constables should be appointed by the county councils, and where, as in this county, the city is separated for municipal purposes, the city should appoint and remunerate its own officials on the police line.

JOHN McCAUSLAND, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. What business are you in now? A. I am the treasurer of the county of Elgin. I have held other municipal offices, and I was in the municipal council for twelve years, two years of which I was warden of the county before I assumed the treasurership. As to the manner of appointing the officers referred to in the list, as far as my judgment goes and as far as I can form an opinion from conversations which I have had with business men, I think they should be selected as they are at present, by the Government.

Q. What are the reasons which have led you to think that way? A. One of my chief reasons is that I think more competent men would be appointed by the Government. I do not think that the appointees of the county council are likely to be more efficient than those of the Government—that is, speaking in general terms. That is on account of more or less influence being exerted, and oftentimes the strongest man is not the one most fit for the position. I do not favor election by the people, even for a long term of office; I am entirely opposed to that. Regarding the way in which these officers have performed their duties, I have not heard many complaints. Within the last few months there has been some criticism in the newspapers, but outside of that I have not heard any in the county.

Q. How should these officers be paid? Of course it is understood that in any event fees will still be collected; but how should those fees be dealt with? A. There is one officer in the list regarding whom I would make an exception as to being paid by fees—that is the clerk of the peace. His duties are chiefly confined to matters connected with the county in which the Government does not pay anything.

Q. There is power now to commute, and in many counties the clerk of the peace has commuted for nine hundred dollars or a thousand dollars a year? A.

Yes; they have that power, but they never exercise it here; I would like to see it on the statute. From my experience as treasurer I think it would save much unnecessary expense. I do not say that he is getting too much or too little, but I think his remuneration should be regulated by a fixed salary; that is the one exception I would make.

Q. Would you have that carried out by the county councils commuting? A. I would be satisfied either way, but I think the county council could deal with that the same as they deal with the jailer; they fix the jailer's salary. Of course the circumstances vary according to the different counties.

Q. The county attorney and clerk of the peace are very often the same officer? A. They are in our county. The only reason I would interfere with the clerk of the peace is that the duties of his office are chiefly with the county. In the case of the county crown attorney there is a portion of his accounts for which the Government reimburses the county. They are strictly legal matters. I would make those two offices quite distinct.

Q. How would you deal with the remuneration of these different officers, fees being collected? Do you approve of the present system of so much being taken by the officer and the balance turned over to the municipality, with a percentage to the officer? A. I am in favor of that principle, but I think there should be an occasional revision of that, because circumstances change with regard to counties. I would not like to see a tariff fixed, because business changes in various ways, but I think the fee system, if it is properly managed, is the cheapest, best and most satisfactory in every respect.

Q. You would have the fixed amount subject to modification as business increased or declined? A. Yes.

Q. You think the principle of the system as it stands now is a correct one? A. Yes; if it is properly adjusted, viewing it from all points. There is one matter I might mention in dealing with the county crown attorney and some of the sheriffs' accounts; that is, if it were possible, it seems to me that the statute tariff ought to correspond with the judge's tariff. The statute tariff gives the county crown attorney certain fees, and the judge's tariff gives him an excess of fees over that. I think if the statutory fees are not high enough to pay them they should be made higher—high enough to remunerate them.

The CHAIRMAN (to Mr. Fleming): Has your attention been called to that, that the judge's tariff and the statute tariff as to certain fees of the sheriff and county attorneys disagree?

Mr. FLEMING: There are some things that require a little explanation; they have been adjusting themselves. I think there is really an explanation to be given.

Mr. MCCAUSLAND: In certain instances the statutory fee of the county crown attorney is fifty cents, and the judge's fee is seventy-five cents, and in every audit we have to strike off that, and go down the whole list.

Q. What particular item of the tariff is that? A. You will find many items of that kind in which the judges have added to the remuneration.

Mr. ROBINSON: Q. That is discretional? A. No; it is the tariff framed by the judges in Toronto. I think if it could be so adjusted that the two tariffs agree, it would be better. I do not say that the tariff as fixed by the judges is

too high or too low, but I do say the statutory fee should be the one we are to be guided by, because in every audit, before I send it to the Government, we have trouble in going over that and adjusting the two tariffs. There is nearly one-third difference between the two tariffs.

Mr. FLEMING: Q. Some of the fees are fixed by order-in-council? A. Most of these are fixed by the judges. We have to pay according to the judges' tariff.

Mr. ROBINSON: Q. You do not say that the two are in conflict, but you say the judges' tariff gives something in addition to the other? A. Yes.

The CHAIRMAN: Q. And the judges' give a larger compensation than the other? A. Yes; one says fifty cents, and the other says seventy-five cents. Then the county has to pay the seventy-five tariff, and the Government will only reimburse them at the fifty-cent rate. They pay according to the statutory tariff and we pay according to the judges' tariff. What I wish to call attention to is the desirability of harmonizing them; if the statutory tariff is too low it should be amended.

Mr. ROBINSON: Q. Did you bring it to the attention of the Government? A. I brought it to the attention of the officials in the county, and we have talked of it at various times, because fees paid the officer the statute tariff does not show correct, it is tedious matter to go over all these things checking the two tariffs all the time. For instance, the first audit, that is the county audit, they allow the judges' tariff. On the Government audit we say we must strike off these, and in a $150 account we probably strike $50 off.

Q. What do you think as to the control of the assistants in offices where they are required, and the method of paying them? A. I am not able to recommend one way or the other. I could not give any suggestion; sometimes I have thought one way and sometimes the other, so I am not able to give a definite opinion.

Q. Is there any matter you would like to speak of that I have not asked you about? Those are the two main things, the appointing and the paying. What rate of compensation do you think would be a fair rate for registrars, sheriffs and county attorneys on a fixed scale? A. I would rather pay a man a good salary if he is well qualified.

Q. The amount he should receive would, of course, depend very much on the volume of work and the responsibility? A. Yes. I would not want to fix the amount because I know the quantity of labor in some counties is not nearly so great as in others. I think it should be in proportion to the labor done. I think that the fee system represents pretty well the amount of labor if it is properly adjusted.

Q. How is it in your county; does the county insist upon its respective officers confining their attention to the conduct of the business of the office? A. I know as far as the county of Elgin is concerned, that the late sheriff was very rarely in his office. He had a very competent deputy-sheriff there, and I never heard any fault found with him. The deputy was fully as competent a man for the business as the sheriff. With regard to the present sheriff no fault could be found. He has his son as deputy-sheriff, and he is fully competent.

Q. Sheriff Brown gives his whole time to the work? A. Yes; he is there every day.

Mr. ROBINSON: Q. Is it the same with the registrar? A. I think he does well. Of course, he has a competent man in there, and when he was transferring his business as it were from one office to the other, he may have left the business considerably to the deputy, but latterly I think he has been in his office a great part of the time.

Q. Is the manner of appointment exciting much attention in your community? A. I don't think it is, outside of the newspaper influences.

The CHAIRMAN: Q. I suppose the main thing that people are anxious about is to see that the officers don't get paid too large salaries? A. I think if there was a proper adjustment of that matter, I do not say they are too high or too low, but the Government from year to year get their report from the registrar as to his net salary, and I think as a matter of economy if some of the salaries are too high they should be lowered.

Mr. ROBINSON: Q. You have to give security? A. Yes; I have to give a $40,000 bond.

The CHAIRMAN: Q. What is allowed you as salary? A. $1,200.

Q. Have you to pay office expenses out of that? A. I have not; I could not afford to do it. I do all my own work.

Q. The council does not allow you any pay for a deputy? A. No.

Q. There is some small amount of fees, is there not? A. Yes.

Q. About $200? A. No, sir; not the half of it.

Q. What is the population of your county? A. County 33,011, and city of St. Thomas 10,366—43,377.

Q. What does the county clerk get there? A. He gets $600.

Mr. ROBINSON: Q. Is there any inspection in the office of the treasurer? A. No, sir; nothing further than the yearly inspection of the auditors, which, of course, is very thorough. It only takes place once a year, but they appoint competent men. I think the reason the attention of the public has been drawn to this salary matter is because there appears to be such a disparity between some of the offices. The fees in some of the registry offices are very large and in others very small, and that has attracted attention.

Q. Some of them are said to pay their deputies very small amounts, that has excited a little comment? A. As far as that is concerned the registrar specifies that in his report to the Government.

The CHAIRMAN: Q. It is not separated from the rest of the expenses? A. I think, probably from what I heard, the small remuneration spoken of is paid to girls who would be called in, who, of course, have no responsibility; their work is merely copying. I have heard that their remuneration is pretty small, but in spite of that they are quite anxious to get it.

Q. If the Government were to interfere at all in these details it would make the service very much more expensive than it is by letting the officer arrange it himself? A. There is no question about that. If the payment were placed in the hands of the Government the expenses would be much larger than at the present time.

Mr. ROBINSON: Q. You are not in favor of that? A. No; because I am satisfied they would get double the fees they are getting to-day from the officers. Of course, he is responsible for their copying, and all that; all they have to do is to walk in there and do copying, but if they were appointed by Government they would want double what they get now.

Q. In some of the States they have so much for salaries, and then a certain amount for clerical assistance, not exceeding, say $300, subject to the supervision of the judge or something of that kind; they have a maximum amount and then some supervision to ascertain how much of that is actually required. That may perhaps be a good system? A. Yes.

Q. But even that is in the case where you have to check the officer; the whole system is a system of checks, you put a man in and some one else to watch him? A. I think taking it altogether, our present system satisfactory with a few changes.

CHARLES WATEROUS, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are one of the managers of The Waterous Company? A. Yes.

Q. Have you ever been in any municipal office? A. I was in the council for a while.

Q. Have you had a list of these officers to look at? A. Yes.

Q. What is your opinion as to the way in which they should be appointed? A. From what I have seen I think the appointments should be made as they are made at present, there is not much fault to be found with it.

Q. Appointed by the Government? A. Yes.

Q. And the Government to be responsible to the electorate? A. Yes; I think so.

Q. You have heard what has passed since you have been here as to the different ways of appointing these officers; what do you think of the proposal that these officers should be elected by the people or appointed by the council? A. I think it is much better for them to be appointed as they are now, the result is the appointment of better men. The appointment must be made largely, I think, on the recommendation of the people, because in the case of the recent appointment of the sheriff and other appointments it was done quietly without the excitement of an election. At elections the feelings of the people, I think, are often aroused, and at such times they will be liable to vote without much regard for the qualification of the man for the position.

Q. Looking at the different systems suggested, appointment by the executive, elections by the people and appointment by the county council, is the opportunity of making a reasonable choice as fully exercised by the executive as it would be in the case of a selection or nomination by the council? A. It would appear to me that the opportunity for making a good choice is greater with the executive than in the alternative cases spoken of. While I suppose it would be very nice in some respects for the people to elect their officers, it seems to me that in the election of members of the Legislature or the Government the people practically

elect the officer, because certainly if the people objected very strongly to any appointment it would probably not be made. I hardly think the members of the Government would make an appointment without first ascertaining the wishes of the people, in whom they might have a good deal of confidence in the constituency in which the appointment is to be made. If they were assured that the appointee was not a proper person for the position I doubt very much whether they would appoint him.

Q. The great thing is to get a competent man? A. Yes. I think the result of the system of appointment has been very satisfactory in our county. I think we can judge better of these things by results than we can by speculations of what might or might not be the case under some other system.

Q. Then as to the manner in which the officers should be paid for their work, what do you say about that? A. I have not given that very much consideration. As far as I know and can judge, I think the fee system should be a satisfactory way of paying them, with a proper system of inspection of the office to see that the fees are not exorbitant.

Q. Do you approve of the present system of the officer receiving the fees up to a certain amount, and having to account for the rest? A. I think that ought to be entirely satisfactory.

Q. So that the whole present system, both as to appointment and compensation is such that you do not think a change is necessary? A. I think that from my experience and what I have seen here.

HUGH McK. WILSON, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are county clerk here, I believe? A. Yes; county solicitor and county clerk.

Q. Who is clerk of the peace here now? A. Mr. VanNorman.

Q. How many years have you been in office? A. This is my nineteenth year.

Q. You have had a copy of this list of officers before you? A. I have glanced over it.

Q. In what way do you think these officers should be appointed? A. I think the present mode of appointment should be adhered to.

Q. Do you see any objection to the people electing them, or to their being chosen by the council? A. I think either would be a mistake, especially election by the people.

Q. In what way? A. I think it would create turmoil and strife in the county, that politics would enter into the elections, and we would have parties arrayed against each other throughout the county from time to time.

Q. So you think no benefit would result from any change? A. I think the reverse would result, especially if the officers were elected every three or four or five years; I think that would be a very great mistake.

Q. Then what do you say as to the system of payment? A. I think the fee system is the proper one.

Q. And what do you say as to the application of fees? A. The officer who does the greater amount of work receives the larger fees. This, in my opinion, is as it should be.

Q. Would you place any limit on the amount of fees to be kept by the officer? A. I do not know that I would go that far. A registrar living in a place like this ought to have at least two thousand dollars a year allowed him before any portion of his fees should be returned to the county.

Q. It is cut down below that under the present legislation? A. Yes; so I believe. The same would apply to the sheriff; indeed he ought to have a little more, because his responsibilities are greater.

Q. What does the county crown attorney get here? A. In the neighborhood of two thousand dollars as clerk of the peace and county crown attorney.

Q. Do you think that is too much? A. No.

Q. Do Mr. VanNorman's duties occupy the whole of his time? A. It was about all he did when attending to his duties. He has had a stroke of paralysis.

Q. The county has not commuted with him as clerk of the peace? A. No.

Q. He is still paid fees? A. Yes.

Q. Is there any complaint of the way in which Division Court clerks and bailiffs perform their duties? A. No. I sometimes think that their appointment would be made better under the old system, by which those officers were appointed by the county judges.

Q. I think a majority of the judges themselves are not in favor of that. It is said that the court might be consolidated or that the offices of clerk and bailiff might be united in some cases, and that better service would be rendered in that way than by having separate officers, having the courts divided up into smaller territory? A. We have only five Division Courts in this county, and I think that is quite enough. I have heard no complaints as to the way in which the duties of the officers are discharged.

Q. The object is to bring the courts as close as possible to the people? A. Yes.

Q. Are any of the officers we have been considering municipal officers in your opinion, as compared with state or provincial officers—officers who should be controlled by municipal councils? A. No; I do not think so.

CHARLES HEYD, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. What has been your municipal experience? A. I have been mayor of the city of Brantford, three and a half years, and was five years in the council. I have lived here all my life and know the county pretty well.

Q. Have you seen the list of officers that we are dealing with? A. I saw a list of questions in the newspaper.

Q. What do you think as to the way in which they should be appointed? A. Well, as a general principle, it would be right to assume that the persons for whose benefit the office is created and who pay, should have something to say in

regard to the appointment, but personally either the appointment by the Government or by the people is satisfactory to me, I have no preference. I think in either case the work would be well done.

Q. Things being as they are you see no reason to disturb them? A. No; not personally. I think myself that the question of salary is what has perhaps given rise to the agitation which is now going on. My own opinion is that whether the Government appoint or the people elect the salary should be such that the best talent would be got for the least money.

Q. You think the salary is what has given rise to the agitation? A. I think so.

Q. Then have you any observation to make as to the manner or rate of compensation? A. I think as a general principle the salary should not be so high as to make these positions so desirable as they are. It is charged that they are held up before members of Parliament and others as inducements to support the Government. If the salary was sufficiently small there would be none of that.

Q. That after all is with reference to very few of these offices, the more desirable ones in the larger places, it does not apply to the offices as a whole? A. Well, I don't think the people until the question had been made a political one cared anything about it. I think it is the political aspect of the question that brought it to a focus.

Q. What do you say as to the salary? Would you say from fifteen hundred to twenty-five hundred dollars, according to the locality and the amount of work and responsibility; do you think that would be a reasonable payment for the offices of sheriff and registrar. A. Well, the sheriff has a certain amount of responsibility, and he runs certain risks. I should think the sheriff's fees, as stated, in Brantford are not too high, considering his position, the risk and responsibility and his social standing.

Q. And what do you say as to the registrar? A. I do not know exactly what amount of responsibility attaches to him. If he is responsible for all errors and has to make them good that must be taken into consideration. But, in any event, the salary of these officers should not be such as to make them a sinecure.

Q. But where an office requires the whole time of a man, and involves responsibility there should be a fair living salary given? A. If it takes the whole of his time so that he is prevented from pursuing any other occupation.

Q. In most of the counties, in this county, for instance, the registrar's time and the sheriff's time is fully occupied, and in some cases they have to get assistance. Even in counties where there is not enough to keep a man fully occupied the office has to be kept open for the public all the time? A. Well, it is rather a delicate question, I do not know what would be fair. I know there are intelligent men working in various offices on salaries of six hundred, seven hundred or eight hundred dollars a year. The city clerk gets twelve hundred, the city treasurer seven hundred and the assessors seven hundred, and they have very responsible, arduous work. Some people compare their salaries and responsibilities with other people, and find fault.

Q. Don't you think these salaries are small? A. The trouble is that you can get good men to do the work for the money. I think the appointment with the Government is perfectly safe as far as the quality of the men is concerned, because the appointments they have made in this county have been good, and I assume it is the same throughout the country.

Q. Does not the city treasurer get as much as the county treasurer? A. I do not know what the county treasurer gets; the city treasurer gets seven hundred dollars, but he has two or three other boards.

Q I suppose one officer could do the duties of both the city and county, could he not? A. I could not say that, I don't know how much the county treasurer has to do. The city man has office hours from ten until four, and he also is treasurer of the water commissioners, the police commissioners and other boards He has plenty of time on his hands, and the total salary he gets, one thousand dollars, is enough. We give him two hundred dollars as treasurer for the water commissioners and one hundred dollars for being treasurer of the police board. I know there are always lots of good men willing to take the job at less money. Of course, I do not know what risks are attached to the positions of sheriff and registrar, but roughly speaking whoever has the appointment, the Government or the county, I think the work ought to be well done and the salary should not be too high. If the salary is brought to a point where it is a fair remuneration for the work done a stop will be put to the present agitation. I think the control of county officers other than the officers of the court, by the Government, a source of weakness.

J. P. PHIN, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Do you hold any municipal position? A. I was reeve of the township of Waterloo for seven years, and have been warden of the county.

Q. What is the population of Waterloo? A. I should say about 50,000.

Q. You have had a list of these questions submitted to you? A. Yes.

Q. What do you think of the way of appointing these officers? A. I think under our present responsible system of government the present mode is the best Of course, the Attorney-General is responsible for the administration of justice in this county, and if you remove the appointment from his hands where are you going to fix the responsibility? I am in favor of continuing the present system with regard to all officers connected with the administration of justice.

Q. And the registrars of deeds? A. I think I would leave their appointment in the hands of the Government.

Q. You have no reason to complain of the manner of the appointments or of the officers? A. Well, we had reason in our county at one time, and there is a suggestion I would like to make to this Commission in connection with it. During the time I was warden of our county we had trouble with the registrar, and he was finally requested to resign from his office owing to irregularities in connection with his accounts, and from my observation I came to the conclusion that it would be advisable for the county auditors to have power to audit the books of the registrar annually. If that had been the case at that time we would not have had the trouble we had in our county.

Mr. ROBINSON: Q. There is an inspector? A. There was an inspector, but he never audited the books.

The CHAIRMAN: Q. He merely inspected the office? A. Yes; to see that it was properly conducted.

Mr. MASON: Q. He obtained a declaration from the registrar? A. Yes.

Q. Did he not go over the fees as an auditor would? A. No; and for that reason I think the accounts of the registrar should be audited by the county auditors annually.

Q. Would you approve of county auditors rather than provincial auditors? A. Yes; the county being interested.

Q. The only reason I suggest provincial auditors is that I think as a rule county auditors are not experts or professional accountants? A. The auditors in our county are usually good men.

Q. But they are not accountants? A. Well, they are very good men and quite capable to audit the registrar's books as well as those of the county treasurer.

Mr. ROBINSON: Q. How were these errors in the accounts discovered in the long run? A. By revelations made by one of the ex-deputies.

The CHAIRMAN: Q. What did he omit to do? A. He did not return the proper amount to the county he should have done; he retained fees that should have been handed over to the county, surplus fees.

Q. Why do you think the election of these officers should not be in the hands of the people? A. I think it would lead to corruption to leave the appointment of such officers as that of the registrar in the hands of the people. It would be worth a man's while to spend some money in getting it.

Mr. ROBINSON: Q. You know some people who would do it, too? A. Yes; and consequently I think the present system is best upon the whole.

The CHAIRMAN: Q. And what disadvantage would be likely to arise if the county council had the appointment? A. It would lead to a great deal of log-rolling, and I think it would divide the county council on political lines, and to a certain extent on sectional lines.

Q. Is it a part of their work at all to choose such officers, or are they elected for that purpose? A. No.

Q. What have you to say as to the mode of paying these officers? A. I do not believe in the abolition of the fee system; I think that litigants and land speculators should pay their own fees.

Q. There is a pretty general agreement in regard to that, but the question is how the fees should be dealt with, whether the officer should keep all the fees or be paid a salary out of them? A. I think he should be paid a salary or at least that a maximum salary should be fixed, and the balance over that should go into the county treasury.

Q. And should he get any percentage on collections above that? A. I think not.

Q. In that respect you would desire to see the present system changed? A. Yes.

Q. Why do you think that would be better than the present method? A. Because I think in many instances the officers are paid too much, more than the work they do is actually worth. I do not think a registrar should receive more than $1,500 or $2,000 a year at the outside; I don't consider it a more important office than the position of principal of a collegiate institute, and there are very few of them who are getting more than that.

Q. I was asking rather why you think that the officer should get up to a certain amount, say $1,500 or $1,800, and no percentage on the collections above that; why do you think the percentages should be stopped and that he should just get a fixed amount and no more? The treasurer said it would be more satisfactory to the people to know just the amount he got, that they could not understand this system of percentage? A. I think there is probably something in that. I do not agree with my friend Mr. Melvin in the idea that the fees should be reduced. I think that litigation and land speculation are fair subjects for taxation just as well as selling whiskey and tobacco.

Q. He was only in favor of that where the income was too good? A. I understood him to say that no revenue should go into the county whatever.

Mr. MASON: Q. You think the fees at present charged are not too much? A. I do not think they are.

The CHAIRMAN: Q. Do you think the sheriffs are more responsible and should receive more than the registrars? A. I think they should get from $500 to $1,000 a year more.

Q. That would give from $2,000 to $2,500? A. Yes. The duties of the sheriff are more disagreeable and more onerous than those of the registrar.

Q. Have you any complaint to make about the officers of the Division Court? A. No.

Mr. MASON: Q. Do you look upon these officers as being local officers, or are they rather provincial officers? A. They are both; they are provincial officers in a sense, they are appointed by the Government and responsible to the Attorney-General.

Q. And that would not be local, you would not call them municipal officers? A. No, sir.

Mr. ROBINSON: Q. You put masters of high schools and registrars on a par? A. Yes.

Q. Don't you think the responsibilities of the registrar are greater than those of the master of a high school? Does it not require a certain amount of legal knowledge? A. He does not require more knowledge than the principal of a collegiate institute requires. I think the amount that the principal of a high school or collegiate institute receives in the open market is what should be fixed as the remuneration for these officers. It takes more time for a man to prepare himself for the duties of a high school master than to enable him to discharge the duties of a registrar or sheriff.

ROBERT MELVIN, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You have had a list of these officers, how do you think they should be appointed? A. I am strongly of opinion that the present system cannot be improved on.

Q. That the Executive Government should appoint? A. I have known of and have taken part in making many appointments in county and city councils and have observed many of the appointments made by township councils, and am satisfied that under the present system or mode followed by the Government in selecting their officials we get a better class of men, more responsible, more intelligent and more satisfactory than we would get by election by the people or county councils. The proposed method would lead to more expense. Having elections for every little petty office throughout the county would lead to the selecting of men for many of the subordinate offices utterly unknown to many of the electors, and whose interest in the elections is not enough to lead them to enquire, but who would cast their vote on personal, political, or sectional grounds, and would in many cases lead to the selection of men quite unfit for the position.

Q. You have been in municipal life yourself? A. I have been a councillor, reeve and mayor, and I speak from personal knowledge of many appointments, I have found very little dissatisfaction existing in regard to the appointments made by the Government, speaking for my own county and in other counties that I know of.

Q. What dangers do you think would arise from the people electing these different officers? A. In this way there would be men aspiring to the position that would be utterly unfit for the office either by training or education, but who pecuniarily needs the position and whose influence as a local or municipal politician has been freely exercised in favor of his own locality or the leading men thereof, and unfortunately in Ontario very often politics enter very largely into these contests. Well, if a man is running for the municipality, and another man has his eye upon some other office there is apt to be what is called a saw, if you agree to support me I will agree to support you, and the result of that would be that very often you would get men who would not be fit for the positions. You may say that the same thing happens with the Government, but it is different. The Government may appoint a politician, but it has to be responsible for him. These men in the council are in this year and out next.

Q. Well, as to county councils appointing, you are speaking of that as well as of popular election? A. Yes; I believe that would be worse.

Q. In what way? A. They would arrange it in this way, if you will vote for this thing for my township I will support that thing for your township, irrespective of the merits of the question. I do not say that it would always be so, but those are the dangers to which the system is exposed, and, as I said before, I have yet to learn of any case of a bad appointment having been made by the Government, or dissatisfaction with the manner in which the officers have done their duty.

Q. The desire has been to appoint competent men for the offices? A. Yes. As a matter of fact the present system is to a certain extent an appointment by the people, because the Government very often appoints on the recommendation of the sitting member, who is the representative of the people, he is supposed to represent the majority of the people. If a man is appointed on that recommenda-

tion he is virtually appointed by the people, because the member is supposed to have the confidence of his constituency.

Q. Passing from that what do you say as to the manner in which these officers should be paid? A. I am just the same in regard to that as in regard to the other question. I think the officers should be paid by fees.

Q. That is, fees should be paid by the people for whom the services are performed? A. Yes.

Q. Then how should the officer be paid out of those fees, should he take the whole of them or only up to a certain amount? A. In the first place I might say I think the people who get the services should pay for them, but I think they should only pay for the service they get. I do not think the county or province has any right to make me pay them a bonus for the registration of my deed or any other piece of work.

Q. There should be no extra revenue got out of it? A. So far as the county or province is concerned. If the fees are too large they should be reduced. I know there are difficulties about that. I know in these three counties here, Halton, Waterloo and Wellington, the fees are not excessive, and I do not think if you were appointing and paying by salary the fees would be any less than now or rather that the salary would be any less than the fees now are, and the question is whether they would then be collected.

Q. Do you favor the present system of the Legislature in saying that the officer shall receive up to a certain amount and then a commission or percentage on the surplus over that? A. No; I am in favor of a reduction of the fees. Suppose you start out with the position that $2,000 or $2,500 is enough for the salary. Then if the fees are more than enough for that I would reduce the fees to be charged for the work. There are many ways it can be done. I think that in some ways you could reduce the fees without interfering with the efficiency of registration. Only register abstracts of mortgages except where sales have taken place under them and they become part of the title, and that abstracts of title should only contain such incumbrances or mortgages as are against the property at the time the abstract is made. One of the greatest complaints is what is said to be the excessive charges for the registration of mortgages and getting abstracts; some such system as this would very much lessen the charges and might to a large degree satisfy the people.

Mr. ROBINSON: Q. You could hardly do what you suggest in small counties? A. I am aware of that difficulty.

Mr. MASON: Q. What remedy do you suggest for that difficulty, in order to secure uniformity of the tariff? A. There are some few counties in which I think you probably could not get enough if the fees were reduced in that way. They are mainly new counties, and I would take the ground that new counties should not pay more than sixteen hundred dollars if the fees did not give more than that. I think a small county ought to have just as good a man, one as little liable to make mistakes; but if he has little work to do he has the same responsibility for what he does do, and in those counties I think the amount ought to be supplemented by the Government or by the county until it reaches a sufficient figure.

Q. What amount would you think ought to be paid to registrars and sheriffs out of the fees? A. I think that the remuneration of registrars in our ordinary county towns range from $1,800 to $2,500; I think in Guelph it should be from

$2,000 to $2,500, I think that would be a fair remuneration for the registrar here over and above all expenses. I know it may be said that many men are occupying positions, such as in collegiate institutes and so forth, who do not get more than $1,500, but then there is no responsibility there. You see the registrar has a certain amount of responsibility with regard to mistakes made in the office, and there should be a certain amount of compensation for that.

Q. Do you think the responsibility of sheriffs is greater than that of registrars? A. I think so, because a sheriff never gets a thing but when it is in a snarl. I think the sheriff ought to get a little more than what I have mentioned.

Mr. ROBINSON: Q. Have you heard much discussion among your friends touching the present manner of appointment, or a desire for a change? A. Not until very lately, about the time the Patrons of Industry began to attract notice.

The CHAIRMAN: Q. Have you heard any complaints about Division Court clerks and bailiffs? A. No; because I don't think they are getting enough.

Mr. MASON: Q. No complaints that they endeavor to promote litigation in order to obtain fees? A. No.

M. J. DOYLE, by request of the Commissioners, appeared before the Board, and being interrogated, stated as follows:

The CHAIRMAN: Q. What municipal office do you hold? A. I am the reeve of Cramahe, and I have been warden of the county.

Q. You have seen this list of questions? A. Yes; but a person ought to have a week or ten days to consider this matter.

Q. Has there been any discussion in the council about it? A. Not in our council. A resolution was passed by the council in connection with the appointment of officers more particularly.

Q. What was the effect of it? A. The council as a body seemed to be in favor of appointing the officers that they pay.

Q. To what does that extend? Whom do they consider the officers that they pay? A. They pay the inspector of schools. Well, they have the recommendation of him. The jailer is another officer whom they have to pay.

Q. Any of these officers on the list? Do they reckon the sheriff one? A. They do. But I do not. My own opinion is that the sheriff ought to be appointed by the Government.

Q. That his appointment should be left as it is? A. That is my opinion; but that is not the opinion of the great majority of the council.

Q. We are asking your opinion now? A. I think that the registrar should be appointed by the council.

Q. For what term of office? A. I should say, as long as the registrar does his business honestly and straightforwardly.

Q. Should any of the others be appointed by the council? A. I have always found a great deal of fault in regard to county attorneys and clerks of the peace. The bills they render to the county council are very large, and contain many items that we think are unnecessary—sending notices, and all that sort of thing; of course, I do not understand the law in connection with it.

Q. What remedy do you suggest as to that? Would you pay him a fixed salary? A. A fixed salary would be my idea.

Q. There is power now to commute with the county council. Have you tried to treat with him? A. No; we have not.

Q. But you think the salary is the remedy? A. That is my idea.

Q. What salary do you think that you should pay? A. If you get a good man, pay him a good salary.

Q. Put it in figures? A. I cannot do that very well.

Q. Eight hundred dollars to two thousand five hundred dollars? A. Two thousand five hundred dollars is too high, and eight hundred dollars is too low.

Q. Where between these figures, without committing yourself to anything very accurate, would in your opinion be a fair salary for his duties? A. I am not in a position to say.

Q. Fifteen hundred to two thousand dollars? A. Fifteen hundred dollars would be plenty; twelve hundred I should say, if I had to say, for what he has to do.

Q. Division Court bailiffs and clerks? A. My own idea would be that the judges of the counties should appoint their clerks.

Q. That was the old system? A. Yes.

Q. You would prefer that? A. Altogether; because I think the judges would be better qualified to decide on the proper men to fill those positions.

Q. Do you find any dissatisfaction with the present apppointments? A. I cannot say that I do. I have no objection to them at all.

Q. It is on some theory that you speak? A. Just on the general principle.

Q. You would leave sheriffs as they are? A. Yes. I would not change the appointment of the sheriff.

Q. And these others who are officers of the courts, you would leave them to the judges—clerks of the County Court, and so on? A. I think that they should be appointed by the County Court judges.

Q. Instead of the Government? A. Instead of the Government. That would be my choice. It seems to me that the judges would be in a better position to choose good men for the offices.

Q. In putting the appointment of the registrar into the hands of the county council, is your idea to reduce the compensation? A. Certainly. I think that they get too much altogether. I speak more particularly of the men in our county.

Q. The county council should regulate that? A. Yes. The officials that we have ourselves in these united counties are first-class men. During the seven or eight years that I have been in the council my experience is this: We have forty-nine members now in the council—it was forty-five until this year—and they throw politics aside in making their appointments. When we are getting a man we want a good man. A few of us in the county council take the stand that when we are appointing officials politics must be thrown aside, and the best man

for the position must be got; and this rule has been followed ever since I have been in the council. We have got first-class men in these positions, and politics are out of it. But in some county councils that is not the case. They do carry politics into these matters, and it is wrong.

Q. Would you be satisfied if the Government were to take the registration system into their own hands, and appoint the registrars, maintain the offices, supply the buildings and the books, make repairs, and so on? A. I would.

Q. Instead of having the counties perform part of the service and take the surplus fees? A. Yes; I do not approve of the Government appointing officials and saying to the county council "You must pay them." If the Government took over these offices, and met all the expenses of the office, and took the fees, that would be all right.

Q. It is not for the sake of the county getting the appointment that you suggested the change? A. No. It looks to me very unfair that the Government should appoint an official, and tell us as a county that we should pay him, and we have no say in the matter.

Q. Your county has been put to expense about the registry office, and has had no revenue from it? A. We have had nothing at all from the offices.

Mr. ROBINSON: Q. The police magistrate is appointed by the Government, and you pay him? A. He should be appointed by the county, in my opinion.

The CHAIRMAN: Q. Or else appointed and paid by the Government? A. I think that the police magistrate should be appointed by the county and paid by the county.

Q. Do you think the Division Court clerks and bailiffs should be appointed by the county? A. Yes; and if we appoint them I think we ought to pay them.

Q. The general principle you go on is that whoever appoints the officers ought to pay them? A. Yes; many of these officers should be appointed by the county.

Q. Would you have any of the officers appointed by popular vote? A. No; I think the county council is in a better position to appoint the officers than the public are to elect them. I do not believe at all in the election of such officers by the people. You would often get an inefficient man and it is not in my experience that you would get inefficient men appointed by the county council. Men would be elected by the people to positions that they ought not to hold.

Q. As to license inspectors and commissioners? A. In my opinion the license commissioner should be appointed by the county council. I do not speak from a party standpoint. I am a Conservative, but I would not put this appointment in the hands of a Conservative Government any more than in the hands of a Reform Government.

Q. Would you favor a power independent of either the councils or the Government appointing the license officers? As it was before, they were appointed by a board consisting of the police magistrate, the mayor and county judge in the cities. Suppose that you had for the counties the warden, the county judge, and some other member, say the Government inspector, the county judge would represent the Dominion Government, the warden would represent the county, and the provincial inspector would represent the Ontario Government. What do you think of that? A. I do not approve of it. In that case you would have

a Government official in connection with the board, and I would prefer to see it out of the hands of the Government altogether.

Q. It is said that the control of the liquor business has improved since we have had the Government appointment of the license commissioners and inspectors? A. I do think there has been an improvement, but I do not think it has been caused altogether by the change of system. The advance in the morals of the people has done that. One reason why I think the county council should have the appointment is this, I am a reeve elected by the people, and in my township the sentiment is largely on the side of temperance. If I go and appoint a man who is not a fit and proper person to act, then when I go back for re-election the people will defeat me at the polls; and for fear of that I will support the best man for the appointment.

Mr. HOBSON: Q. Suppose that you represented a township in which the sentiment on the liquor question was the other way; in which there was a strong liquor influence. Then if you did not play a little into their hands and pander to their views, they would leave you at home? A. I cannot speak generally; I speak of the township which I represent.

The CHAIRMAN: Q. But it would work the other way? A. In some cases it would.

Q. Has it not done so in times past? Are you aware that that was the complaint in times gone by? A. Yes; but the reason I make the statement I do is this, that to-day the feeling in this province is strongly in favor of temperance; so that the cases you refer to would be isolated ones.

Q. Do you favor payment by fees or by a fixed salary? A. By salary, certainly; salaries all the way through.

Q. Any commission or percentage? A. No; I do not approve of that at all.

WILLIAM REYNOLDS, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. How long have you been treasurer? A. Nearly twenty-six years.

Q. What is the population of this county? A. I think it is about 60,000, but I am not certain; the county clerk can give you that information. 60,000 includes the city.

Q. Does it take all your time to attend to the duties of your office? A. Yes.

Q. As to the appointment of these officers, registrars, sheriffs and County Court clerks, what is your opinion? A. I am strongly of opinion that the appointments should remain in the hands of the Government. It has the effect of procuring a better class of officials, and as the Government has the administration of our affairs I think they should appoint their own officers.

Q. So there is no grievance to complain of as far as the system is concerned in this county? A. No.

Q. Apart from the excellence the present system has shown by its fruits, do you see anything to recommend the appointment of these officers by the municipal councils, any advantage to be gained, or any mischief that might ensue? A. I am afraid there would be a great deal of mischief incurred, because in my opinion

the system is a bad one. It would create great discontent, and I do not think they would appoint, or that the people would elect, as good men as the Government appoints. I am speaking also of election by the people. I think it should be left in the hands of the Government, that they should have the direct control of those officers, if they were appointed by the council there would not be the same control of them.

Q. Then as to the way in which they should be paid? A. I think there should always be a maximum salary for every official, according to the responsibility and the nature of his work, and that the fee system should be continued. but I think all over the maximum salary should be paid to the county. The maximum salary should be paid out of the fees collected and the balance should go to the county. As to what should be the amount of the maximum salary, I think the sheriff should be the highest paid official. The great responsibilities attaching to his office, and the many actions to which he is liable in the performance of his duties lead me to think that his salary should not be less than three thousand dollars, that is in this county. I do not think any of these officers should be paid less than two thousand dollars. Registrars, I think, should get from two thousand to two thousand five hundred dollars.

Q. That is higher than the allowance made by the present statutes? A. By this new Act they are allowed two thousand dollars.

Q. Fifteen hundred dollars to the registrar, that is what they take for their own use? A. I think it is fifteen hundred dollars net they receive. Formerly it was two thousand five hundred dollars gross; they had to pay their expenses out of the two thousand five hundred dollars.

Q. Do you think this last Act is more favorable to them? A. I think it is more favorable to them, because it allows registrars to pay the working expenses of their offices and they get fifteen hundred dollars. Before they got two thousand five hundred dollars and had to pay the working expenses.

Mr. Mason: Q. The amount of disbursements was taken out of the gross receipts and then they calculated up to two thousand dollars? A. No, sir, not that; they had to pay the expenses of their offices out of the two thousand five hundred dollars.

Mr. Mason: Out of the gross receipts, including the two thousand dollars.

The Chairman: Q. That is, the expenses of the office come out of the fees in both cases? A. Yes; but I think it would have been better to have a maximum sum without any allowance at all over and above the two thousand dollars, as the case may be, but if from two thousand dollars to two thousand five hundred dollars there would be ten per cent. the registrar would have to pay to the county, and that would give him two thousand four hundred and fifty dollars.

Mr. Mason: Q. You mean that you are not in favor of paying them any more than two thousand dollars no matter what they receive? A. I would like to see them get all they can.

The Chairman: Q. Do you favor a percentage on the amount collected over and above fifteen hundred or two thousand dollars? A. Well, as Mr. Ross said, they had to give them a percentage so as to get the registrars to perform their duties in the collection of the fees.

Q. But I wanted to find out what you thought of that principle, is it a good thing to give that incentive to the officer to collect the fees or would you simply

say that after the fixed amount the whole surplus should be turned over to the Government, without giving the registrars any commission? A. You voice my opinion exactly on that question.

Q. What is your opinion? A. I think the percentage should be done away with.

Q. You think he should get no more profit out of the fees no matter what they are? A. Yes; I certainly would not give the officer anything beyond the two thousand dollars.

Q. Instead of having fifteen hundred dollars and percentage you would give him two thousand dollars, which he would receive irrespective of what the amount of the fees was, and he would have to pay over the whole amount above that to the municipality? A. Yes.

Q. Why do you favor a fixed sum rather than percentage? A. I think it would give better satisfaction, because then the people at large would understand it better; if his salary was fixed at fifteen hundred dollars with a percentage they do not understand it, they do not see why he should get a percentage. The best way would be to have a fixed salary so that people would perfectly understand it. The way it is now, I have the greatest difficulty in explaining to farmers why these percentages are given. I think the officers should be well paid, but no more.

Q. You spoke of two thousand dollars, would you fix that as the amount irrespective of the collection of fees in the past years having reached up to that amount? A. No; I would not make it in that way exactly. When parties accept these offices they generally know perfectly well what the fees of the offices are, and I would then give them all the fees they could get out of the office up to two thousand dollars.

Q. But take this case: you are dealing with a system where all the officers are appointed, where they are at present receiving fees, not making new appointments; you are going to change the system, and instead of the officers receiving fees without accounting for them you are going to substitute a fixed sum which they are to take as their salary. How are you going to work to ascertain the fixed sum the officer should receive; would you go on the average receipts of former years or on the expense of living in the county, or upon the salaries that are paid by banks and other financial institutions to officers in somewhat similar positions, or what do you think is the best way of fixing the amount to start with?

Mr. MASON: Q. I understand you if a man accepted office knowing that the fees were only about fifteen or sixteen hundred dollars that would be all he would get? A. Yes.

Q. You don't propose that it should be made up to two thousand in any other way?

The CHAIRMAN: Q. I was taking a case where you have the fees in the office at two thousand seven hundred dollars, and the man is to get a salary, as you suggest, of two thousand dollars. Suppose the fees are shrinking for some reason or other, and do not come to nineteen hundred dollars, would you make any change in the amount he would receive? A. No, sir; I would not.

Mr. ROBINSON: Q. Would you base the salary upon the population? A. I would base the salary, in the first place, upon the work of the office and the fees.

The CHAIRMAN: Q. You would have a salary somewhat commensurate with the office? A. I would have a fixed amount, because an officer cannot live on less than two thousand dollars. Then there is the security he has to give.

Q. Then would you say that in every county where there is a registrar, no matter what the population or amount of work, that that would be a fair salary, whether the population was large or small, whether the fees were not more than one thousand dollars or whether they were three thousand dollars? A. I would have it on the same principle, on a maximum salary of two thousand dollars.

Q. But what I want to get at is whether you think that is the salary for that class of officers irrespective of the extent of the county, the population, and the amount of the work. It is one thing in a county like this, but it is quite different in a new county; would you give the registrar in a new county the same amount as in this county? A. Not by any means, not as a salary to be paid by the municipality or the Government. If the Government choose to pay it I suppose it is well enough, but I don't think the people would be inclined to pay it. My opinion is simply that if I apply for an office I know what to expect from it, and if I cannot live on that amount I should not take it.

Q. You are assuming that a salary is fixed for all these officers. Our inquiry is what would be the proper compensation for these officers, not taking it as a thing fixed at all, but as a thing to be done now for the first time; not a man taking an office at so much, but what would be a fair remuneration to allow a man as registrar of this or any other county, what elements would you take into account in fixing the amount; would you take the population, which represents somewhat the amount of work, the amount of the fees collected, the living expenses; how would you arrive at what would be a fair salary to give to that man? A. I say two thousand dollars; I would not give anything less, because I am certain he could not live on less.

Q. That would be with reference to this county? A. To this county alone.

Q. Suppose you have a poor county, where the population is not one-third of what it is here, and the receipts from the fees would not be more than sixteen hundred dollars a year, how would you fix the salary for a man in that position as registrar? A. On the same principle as it is in those where the fees are more.

Q. What amount would you give in such a county as that where the fees were sixteen hundred dollars and the population less than this; would you say two thousand dollars in that case? A. No; I would simply say that where the fees amount to two thousand dollars that should be the maximum salary.

Q. And in a county of that kind where the receipts from the fees were not more than sixteen hundred dollars, in that case the registrar should receive all those fees without accounting? A. Yes, sir.

Q. And when the fees reached two thousand dollars or over two thousand dollars he should account for all over two thousand dollars? A. Yes.

Q. But up to two thousand dollars he should receive the fees? A. Yes.

Q. The officer would simply be paid by the fees where it is under the two thousand dollars, but where they exceed that amount he should not get more than two thousand dollars? A. Yes; I think it should be as plain as possible, so that the people in the country would know exactly what these parties are receiving. The people really do not understand the system of payment by fees.

With regard to the officials here, the people are under the impression that the county pays them a very large sum, which the county does not.

Q. Then you advocate that in the case of registrars the officer should receive all the fees derived from that office unless they amount to more than two thousand dollars? A. Yes.

Q If they amount to more than two thousand dollars he should not get more than that as his salary? A. He should have that net and no more.

Mr. HOBSON: Q. In an office where there is a large volume of business and the responsibility is increased in the same ratio as the business, would not it seem to be right that he should get a small percentage of the excess over, say, two thousand dollars? A. Well, I am inclined to think the principle is bad of giving any percentage. Registrars should require no incentive to do their duty. They are a good class of men, particularly the one we have here; I am sure he would collect all the fees. No inducement of that kind should be offered the officer.

The CHAIRMAN: Q. And you think that would be a more intelligible system to the public at large? A. Yes; it would be more satisfactory; the percentage system is misleading.

Mr. MASON: Q. You think they would be willing to give a little more if they understood it, but they cannot work out the percentage? A. No; if I tell them ten, thirty, forty or fifty per cent. they don't understand it.

Mr. HOBSON: Q. And you think the average man would look after the office as closely? A. Yes; it would be a sin to say our registrar would have to be given a premium to induce him to collect the fees.

The CHAIRMAN: Q. In the case of sheriffs would that same rule apply, that where the fees reached a certain amount they ought to be accounted for by the sheriff? A. I think so, sir; but, as I said before, I think the sheriff is entitled to receive a larger salary than any other officer owing to the great responsibility he shoulders.

Q. It is said in the case of the sheriffs that they have to render services here and there that they are not paid for, that the sheriff has difficulty in collecting. If a sheriff were paid a salary he would be apt to let those fees go, but if he receives them for himself, or even a commission on them he is more likely to be careful and to look after them? A. I think he should have a salary at any rate, a net amount of at the very least three thousand dollars, and I would have the fee system continued. When it got over that amount he should pay the money into the county the same as the registrar.

Q. How would the sheriff manage about the fees not collected? A. He could make his usual affidavit that he had used due diligence in the collection of those fees. I know from sad experience myself there are some fees lost, but I would rather lose fees than give offence to an honest person.

Q. You have very intimate relations with the county attorney and clerk of the peace, what do you say as to the compensation of that officer? A. I think it should be by fees.

Q. In the case of the clerk of the peace, would it not be well to have a commutation of the fees between him and the county. Is that done in this county? A. No.

Q. In many counties they follow that plan, and they find it obviates friction and trouble regarding little items. Has anything of that kind occurred in this county? A. It has, to a very limited extent only. They sometimes think the clerk of the peace sends notices to the magistrates and runs up a bill in that way. I think that the clerk of the peace receiving fees in that way really keep abreast of the statute, in keeping the police of the county and magistrates properly informed, that is in sending them all the information he can send them in the shape of circulars and so on. The chances are that if he were paid a salary he might not be so diligent in sending all those things around.

Q. At all events, there is no movement on foot to commute here? A. No.

Q. About what is the average amount of the fees of the clerk of the peace in this county? A. The clerk of the peace gets, I think, $2,848.44, and the county crown attorney $999.50.

Mr. ROBINSON: Q. That includes disbursements? A. It includes postage and that sort of thing. It would be better if they would separate their accounts so that the county could see exactly the net amount he gets by virtue of his fees and also what he pays out.

Mr. MASON: Q. The net revenue is $1,975 as clerk of the peace.

The CHAIRMAN: Q. What do you suggest as to letting the people know how officials are paid? A. The public suppose that the county pays everything. Now this is for the year 1893, I paid the sheriff $1,359.20, the clerk of the peace $2,672, and the county crown attorney $533.50, amounting in all to $4,564.76. The province recouped the county on account of the sheriff $923.25, on account of the clerk of the peace $258.45, and on account of the county crown attorney $529.50, and there was contributed by the city $281.07, so that you see after all it is a very small sum the county has to pay of the total of $4,564.76. Then there is $1,992.27 the crown recoups, which leaves $2,572.49 that the county pays. The people generally think that the county has to pay the whole thing.

The CHAIRMAN: Q. The fees from private litigants amount to three times that, from which the sheriffs are chiefly paid? A. Yes.

Q. The municipality only pay one-sixth? A. Yes; the Government two-sixths and the people three-sixths.

JOHN McGOWEN, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Do you live in this county? A. Yes; in the county of Wellington.

Q. What municipal positions have you held? A. I have been reeve.

Q. I think you have also represented the county? A. Yes; for a short time.

Q. Have you given any consideration to the question we are dealing with as to the appointment of these different officers? A. I have given the matter some consideration.

Q. Are you able to speak as to all the officers or only some of them? A. There are some of them with the nature of whose duties I am not familiar; I do not know anything about the local masters, the deputy registrars of the High Court or the deputy clerk of the crown.

Q. Are there any others? A. There is the clerk of the County Court; the rest of them I know more or less about.

Q. What do you say as to the manner of appointing registrars, sheriffs, county crown attorneys and Division Court clerks and bailiffs? A. I think it would be an improvement if they were appointed by the county council.

Q. What improvement do you think would follow from that? A. I think the officers chosen would be quite as good a class of men and that the work would be more efficiently done.

Q. Do you know of any instances of inefficiency in the present officers, that is from your own observation, or have you heard of anything? A. Nothing very serious.

Q. In what way do you think the work would be better done if the county councils appointed these officers; in what way would the benefit come in? A. I think it would be done for a good deal less money.

Q. That would be the chief gain? A. That would be one of the great gains.

Q. For what length of time would you have the county councils appoint the officer? A. For life, or during good behavior.

Mr. MASON: Q. What do you mean by that, could they be dismissed at any time by the county council without cause? A. Supposing they were appointed about the same as a school inspector is appointed? I think it takes a three-fourths majority of the council to dismiss them without cause; there is some such saving clause as that.

The CHAIRMAN: Q. Then if the work was not efficiently done by the officers how would you have complaints regarding them investigated? A. Well, take the registrar of deeds, for instance, his accounts ought to be audited yearly by the county council auditors.

Mr. HOBSON: Q. Did you say the county council? A. The county auditors; it was done in this county one year.

Q. Was that satisfactory? A. Well, it was only done one year.

Q. But was that audit a satisfactory one? A. Well, they had nothing to start on.

Q. As a matter of fact it was not satisfactory, was it? A. I don't expect it was; but you must remember they had a good many difficulties to contend with.

The CHAIRMAN: Q. Then, in the case of sheriffs, how would you deal with complaints made of sheriffs not acting efficiently if they were appointed by county councils, in what way would you have it investigated so as to ascertain whether the complaint was a well-founded one or not? A. I suppose that would be the subject of an inspection the same as at present, Government inspection.

Q. Would not there be some danger of friction between the Government and the municipality, if the Government thought that there was some ground of complaint and the council differed in opinion regarding that, might not some trouble arise between the two? A. Not very well; I do not see that there would be any cause for that, unless they wanted to make trouble.

Q. Then how would you have the officer discharged, if the council was dissatisfied, without any remedy? A. Not unless there was a majority of two-thirds or three-fourths.

Q. That is the way you put it, that a two-thirds or three-fourths majority of the council could dismiss the officer without any appeal from that on his part? A. Yes, I think so; just as the school inspectors are dismissed now. I think that plan works very satisfactorily in the case of the school inspectors.

Q. You think the chief gain in the change you propose would be in the way of economy; how do you think that would be applied? A. Take this county for instance, there are two registry divisions. Now, there is no need for two at all; one is quite enough; this county is not large enough for more than one.

Q. When was the division made? A. Away back in the time of Sandfield McDonald.

Q. Were you living in the county then? A. Yes.

Q. Do you know why it was done? A. No.

Q. Was it not because there were too many fees collected from one office? A. I could not say, indeed; part of this county has been cut off since that; the county of Dufferin has been partly taken from this county, three townships and one town were taken off.

Q. I suppose if a county is very large and there is a great deal of work being done it might be in the interests of the public to have two registry offices in it? A. It might be in some counties.

Q. Your only objection here is that this county is not large enough to stand it? A. Yes.

Q. And of course the expense would be reduced if they were consolidated? A. Yes.

Q. Apart from that what amount would you say would be saved in salaries, would the council cut down the salaries lower than they are at present? A. Well, they are paid by fees.

Q. Would you continue that system if the county council made the appointment? A. I think the fees should be funded and all the officials should be paid salaries.

Q. And what salaries do you think the council would give to the registrars and sheriffs? A. From $1,500 to $2,000 a year.

Q. Do you think the county crown attorneys ought to be appointed by the county council? A. Yes, I think so; they are county officials.

Q. How do you say that? He prosecutes? A. He is paid by the county.

Q. About one-third of his salary is paid by the county, and the remainder by the Government and by the litigants.

(Mr. Mason reads return showing that the county crown attorney receives $3,200, of which the Government returned $800 to the county.)

The CHAIRMAN: Q. Division Court clerks and bailiffs, should they be appointed by the council, too? A. I think so.

Mr. MASON: Regarding the sheriff and registrar, there would be no object, as far as economy was concerned, in the change you advocate in their case, because the sheriff does not receive nearly the amount that you suggest? A. I don't know what he receives.

Q. The net amount last year apparently was about $1,000; there would be no economy gained in that case? A. No.

The CHAIRMAN: Q. How do you think Division Court clerks and bailiffs should be paid? A. Something like postmasters; in proportion to what they do.

Q. Do you think they get more fees than they should get? A. I am not familiar with their duties at all or their fees.

Q. How many members have you in your council here? A. About thirty-seven or thirty-eight; the number varies at times; there are the deputy-reeves, whose number varies.

Q. If they made the appointment as you suggest, do you think they would choose these men with reference to their competency alone, or would they divide on party lines, giving one office to the advocate of one party and another office to the advocate of another party? A. I do not think so.

Q. You think they would choose the men on their merits? A. Yes.

Q. Do you think their choice would be made as much or more on the merits of the men seeking the positions than in the case with the Provincial Government, or rather the executive of the Provincial Government? A. I doubt very much if the Government makes the choice; it is the local member who has the patronage.

Q. The Government are responsible for the choice. I suppose they have in all cases to consult persons who know, but they take the responsibility of making the appointment? A. Undoubtedly.

Q And do you find that the exercise of that right of choice is at all abused by the Government—that it can be said that competent men are not appointed? A. I think it would be better if the county council had the appointment.

Q. Do you think they would select better men? A. Yes.

Q. Why? A. I do not think politics would enter into the question at all.

Q. You think if the county council made the appointment politics would be eliminated? A. Yes; more than is the case now. We know that at the present the politicians get everything that is going.

Q. And in that way you think you would get men elected on their merits, apart from politics? A. More so than at present. I do not think politics would be the chief consideration.

Mr. HOBSON: Q. Would not it be likely to be old county council men who would get the appointments; would not that be liable to enter into the matter as one of the considerations? A. Yes; but it would not be any harm.

Mr. MASON: Q. If Mr. Hobson were an applicant for one of the positions he would have a good show? A. Yes.

Mr. Hobson: Would anyone outside of the council be likely to get the appointment? A. I think so, if the council thought he was the most competent man.

The Chairman: Q. Why would not you favor the people electing these officers, because you see the council are the representatives of the people. Why would you take it away from the people? A. The council is closer to the people than the Government.

Q But why don't you go right to the people themselves and let them make the selection, and not take an intermediate position? If the people are to be consulted, why not give the selection direct to the people? A. In my opinion I do not think it would be a success to go direct to the people.

Q. Why is that? Do you think they would not choose the right man? A. Well, in a large county like this, there are not many men who would canvass the county for those positions—good, competent men.

Q. You think in a popular election the best men would keep in the background and not thrust themselves forward? A. Yes.

Q. I suppose a man would have to blow his own horn 'pretty well to run as a popular candidate? A. Yes.

Q. Of course they don't do that in parliamentary elections, because they have others to do it for them. But in the case of a sheriff, he would have to do for it himself. That would not be a very good preparation for office? A. No.

Q. And you think election by the people is out of the question? A. I think so.

Q. But the councillors who are elected by the people would choose better than their parliamentary representatives? A Yes.

Q. Have you any facts to support that, or is it just your own opinion? Have you any instance which goes to show that? A. Well, taking the present appointments of the council: There is a treasurer, who holds a very responsible office, and the county clerk, and the public school inspector, and the keeper and matron of the house of industry.

Q. And they generally keep on the same set of officers? A. Yes.

Mr. Mason: Q. Do you know whether they have been more defalcations on the part of officers appointed by the county than an the part of officers appointed by the Government throughout the country generally? A. Taking this county here, I think some of the Government appointees have defaulted to the county. I think that two late registrars were defaulters to the county.

Q. What do you mean by defaulters? A. They do not whack up their percentage. You cannot get it from them at all. That is the way the system developed. The county is supposed to have an interest in the fees, but they have nothing to say about the security or anything at all. The Government looks after the security, and I suppose there was no security in these cases, and the county cannot get a cent.

The Chairman: Q. Is that the present officer? A. No, sir; some who have been transferred, discharged or died. That is not right, is it?

Mr. Mason: Q. And you think all that would be remedied if the officers were appointed by the council? A. I think so.

Q. We have had a lot of defaulters among the county treasurers? A. Yes; and I suppose some bank managers and clerks too.

Q. That is, no matter who appoints there will be defaulters? A Yes; you cannot provide against everything.

JOHN BEATTIE, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are the county clerk? A. Yes.

Q. How long have you held that position? A. Upwards of twenty years.

Q. That office does not occupy the whole of your time? A. No.

Q. How much of your time does it take, half of it? A. I could not tell exactly. I live in Fergus, and I attend here during the sessions of the county council at Guelph. I keep the office up at home for the county business open daily.

Q. You have been given one of these lists of the officers about whom we are inquiring? A. Yes.

Q. What do you think about the way they should be appointed, or any of them? A. In reply to the circular which was sent me, I said I thought all the officers should be appointed by the county council, but there may be some exceptions. The local deputy registrar of the High Court of Justice, the clerks of the County Courts, and registrars of the Surrogate Courts might be excepted.

Q. How would you leave them? A. I would allow them to be appointed by the Government as at present.

Q. Then the county attorneys and clerks of the peace, how would you have them appointed? A. By the council.

Q, And the local masters by the council? A. No; I would except the local masters.

Q. And the registrars of the Surrogate Courts? A. Yes.

Q. And the Division Court clerks and bailiffs? A. I would have them appointed by the council.

Q. And the registrars of deeds and sheriffs? A. Yes; and in addition I would suggest that the jailers should be appointed by the county council, and the license commissioners and inspectors. I think the change would result in greater efficiency and more independent officers. The present system results in this: that while the Government nominally appoint these officers, they are really appointed by the member for the riding or for the county, if it is some higher office, and in every case the first consideration is whether they are supporters of the Government. Other qualifications are sometimes looked over. I have never yet known an officer in this county to be appointed by the Government who was not a supporter of the Government for the time being. In the county council, as a rule, politics do not play any great part; the council looks at the qualifications for the position before anything else; that has been my experience.

Q. The officers appointed by the Government drop out of politics after their appointment? A. I am sorry to say that in many cases they don't; at all events, that has not been my experience in this county.

Q. Then in what way do you think you would get more efficient officers? A. I think the county council would look at the qualification first. The member for the riding, if he does not want the position for himself, generally recommends a personal or political friend for it.

Q. Then as to the remuneration? A. I think I would leave the remuneration altogether to the county council, and I would recommend that the officers all be paid by salary, and the fees funded and handed over to the county treasurer.

Q. That would practically be taking a great part of the administration of justice out of the hands of the Government and putting it in the hands of the municipality? A. To a certain extent.

Q. The sheriff of the county has duties connected with the administration of justice, the county crown attorney prosecutes prisoners for the province, and the Division Court clerks and bailiffs administer the law of the land in small cases; that would practically be building up a system of justice, or giving a large slice of the administration of justice to the local municipalities? A. I do not think any evil would arise from that.

Q. It is a total change from our present constitutional system? A. I think it would be a change decidedly for the better.

Q. I do not see why you draw the line where you do; why don't you put the appointment of the county judges also in their hands, the deputy clerks of crown and the rest of the officers? A. Well, the county judge is not appointed by the Local Government at all.

Q. That is it, that is the question: do you draw a sacred line between the Dominion Government and the Local Government? A. No; all that are not strictly judicial officers that are now appointed by the Government I would have appointed by the county council.

Q. Postmasters too? A. Certainly; I think there should be no objection to that.

Q. You think it would follow that all officers doing local work in the county who are appointed either by the Dominion or the province would be better looked after by the county council? A. Yes.

Mr. Hobson: Q. But here is the city of Guelph; the people of Guelph have a large interest in the appointment of postmaster; would you debar them from the right of having a say in this matter? A. They could petition the county council, and due consideration would be given to their suggestions.

Q. And the same thing would hold good as to the registrar and sheriff; the city would petition the county council in favor of some particular person? A. So long as we have a man like you, Mr. Warden, at the head of the council I am sure we would have justice done.

The Chairman: Q. Don't you think that you produce a change which would affect the whole composition of the county council? If they had the power you now indicate, the power of appointing sheriffs and registrars and county attorneys, postmasters and so on, would you not have a very different contest in the elections for those councils, would not you have very different lines of division drawn from what you have now? Now they seek to choose the men who are likely to do the best service for local purposes. Then would not the political con-

sideration enter into the election of a council that now enters into the election of a member of Parliament? A. It should not do so any more than now. There is no reason why the county council should do that.

Q. The amount of power that would be in their hands would create a much stronger desire to get into the council than exists at present? A. It might make the people more careful in sending representatives.

Q. Would it make them more or less careful? A. More careful.

Q. More danger of corruption in trying to get friends there? A. My experience is that it is not so easy to do that.

Q. Have you not had many contested elections here? A. The opposition has been good and lively.

Q. I mean contested before the court? A. No; not in this county.

Q. If the council had the greater patronage involved in making these appointments there would be much keener competition and much more questionable methods made use of to get returned to the council? A. It appears to me that perhaps it might make people more careful, but I think the appointments would be safer in the hands of thirty-eight men than in the hands of one man, as they are now.

Mr. Mason: Q. Then if in the hands of thirty-eight, why not in the hands of thirty-eight thousand? A. You mean election by the people; that would not work at all, that would be absurd. Some of the minor offices the men best qualified for the position would not have anything to do with it if they had to canvass the county.

Q. Would they not have to canvass the county council? A. That would be easier done.

Q. It is easier to work thirty-eight than thirty-eight thousand? A. I should think so. My experience is that county councils are not so easily worked in the wrong direction as some people think.

The Chairman: Q. Don't you think there is a feeling of greater responsibility if the appointment is in the hands of thirty-eight people; don't you think where the number of those holding power is increased the sense of individual responsibility decreases? A. My experience has been different from that; my experience has been that if the member does not want it he——

Q. That is not what I am speaking of. Here is a cabinet council of six or seven men who make the appointment. Now, I put it apart from politics, don't you think where only six men are exercising the power of appointing some one to an important office that the feeling of responsibility is greater with those six than it would be if the power was exercised by sixty-six or any larger number? A. That is all right in theory, but my experience is that no matter what Government makes the appointment it is practically made by one man for a riding and by all the county members who are Government supporters for a county appointment.

Q. It is the one-man power you dislike? A. Yes. In both Governments that has been my experience.

Q. And in giving the appointment to the county council, you think you get rid of the one-man power? A. Yes; and if the people found that any member of council had made an improper appointment he would have to account for it at the end of the year.

Q. As to the matter of economy, you don't think the council would pay salaries less than are now paid? A. I think in some cases they would and in some they would pay more. I think the remuneration would be quite as safe in the hands of the county council; they pay their officers fairly well with perhaps the exception of the clerk.

Mr. MASON: Q. How much do they pay him? A. $500.

The CHAIRMAN: Q. Take the case of the county council appointing the county crown attorney, and suppose there is a prohibition law, or any other law which is unpopular in the county, to be enforced, would an officer appointed by the county authorities be less willing to enforce that law than one who was appointed by the general Government? A. I don't see that that would follow. I think every officer of the council would be expected to do his duty.

Q. But there are different ways of doing duty, a man may do his duty zealously and fearlessly, or he may do it faint-heartedly; would it not be the inevitable result that an unpopular law would not be enforced rigidly and strictly, as it ought to be, in a county where it is unpopular? A. So far as that is concerned public opinion is pretty well divided, I think it would work just as well as it does now.

Q. You might have a law which was unpopular in certain localities, which it was the duty of the sheriff or the county crown attorney to enforce. Would they not be apt to feel themselves not the officers of the law pertaining to the whole country, but the officers of the law for that particular section of the country? A. Well, I don't think so.

Q. That has been the experience in the United States? A. Well, I would not like to follow the example set in the United States; I do not believe in their appointments by the people, more especially for only four years.

Q. But it is the same thing when the county council appoints them, you have the matter localized, feeling and opinion and local influence all running against the general law of the country, and those officers will feel themselves not the officers of the general law. The moment a sheriff is appointed by the county council he will not say, "I am the officer of the Government, I represent the executive of the whole country," but he will say, "I am the officer of the county council, I must act so as to please and satisfy them." A. I think the sheriff knows his duty under the statute.

Q. He would be dependent on the county council? A. He would be an officer of justice appointed by the county council.

Q. You have not justice for the county of Wellington different from that of Peel or Dufferin, but in this way you will have local customs and feelings which obtain in one particular place and do not obtain in another? A. I do not think there would be any fear of the present sheriff being moved by the county council so long as he does his duty as at present.

Q. But we are assuming that there is perfection at present. What we want to do now is to start with a clean sheet? A. I have no hesitation in saying that I believe the appointments would be as efficiently made by the county council.

Mr. MASON: Q. You think that the people as a rule exercise good judgment in electing their council at present? A. Yes.

Q. And yet you think they would not exercise that good judgment in electing the registrar? A. Well, it would be absurd to elect the registrar by a county vote.

Q. It is more absurd than to elect a county council? A. They are elected for each locality, the registrar would have to canvass the whole county of Wellington for his position.

The CHAIRMAN: You offer the most complete answer to the Patrons of Industry that I have heard.

Mr. ROBINSON: Q. You find that the actions of the members of the county council are not influenced by political considerations? A. Very little in our county, scarcely perceptible. There is a majority of Reformers in this county, but the treasurer is Conservative, and I have the name of being Conservative and the warden is a Reformer.

Q. Have these matters been much discussed here, as to these questions of appointment, salary and so on, is there any particular complaint? A. I think there is very little, only I do hear a complaint that a lot of these Government officials such as license inspectors, and commissioners, Crown Lands' agents, clerks and bailiffs, sometimes take a pretty active part at elections.

Mr. MASON: Q. You don't think they would if they were appointed by the uncil? A. They would not.

Mr. ROBINSON: Q. Would you appoint them for life? A. For life or during good behavior. I would have a system of Government inspection to make the matter uniform all over the province.

The CHAIRMAN: The license inspectors were at one time appointed by the councils? A. A long time ago.

Q. Why was the change made, was it in consequence of any complaints? A. They were appointed by the local municipalities at one time.

Q. And then the Government took the appointments into their own hands? A. Yes.

Q. Was not that done at the request of the people or on a petition? A. I really do not know, it is so long ago.

Q. There were complaints against the system then, and the Government took hold of it, and it is said the matter is better managed now than when it was in the hands of the local authorities? A. I suppose it is fairly well managed, but I know that some of these officers consider it their duty to electioneer a little, which I disapprove of.

Q. But you advocate the thing on the principle that the municipality should have the appointment and control of all the officers who do duty in a local territory? A. I do, without hesitation.

Q. Whether Dominion or provincial officers? A. Yes.

Mr. HOBSON: Q. Would you be in favor of the officer, the registrar, say, or sheriff appointing his own deputy and arranging for their remuneration? A. In every case the appointment, but not the power to fix the salary.

Q. It is said that deputies are often underpaid; that the chief officer does very little work himself. Would you leave that matter entirely in the hands of the chief officer to appoint and remunerate as he saw fit? A. To appoint, but not to remunerate; and I would also suggest that all these public officers who collect fees should furnish the bonds of a responsible guarantee company for the faithful performance of their duty and accounting periodically for fees collected. I would pay them by salary, and I would have the law amended so that the officer could be made pay his debts the same as other people.

COL. WILLIAM NICOLL, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Have you been in any municipal office? A. I have been in the council and am an ex-warden of the county of Wellington.

Q. What do you think as to the manner of appointing these officers? A. I am in favor of the present way of appointing them.

Q. What do you think would happen if the people were to elect them or the council to appoint; what evil might it lead to? A. The appointments would be no better than they are now; and some of these officers, such as Division Court clerks and bailiffs, and the sheriff, would come in contact with those who had the power of appointing them.

Q. Do you think it would lead to favoritism? A. Yes; there is no question at all of that.

Q. Then what do you think as to the manner of payment? A. I am in favor of payment by fees as at present.

Q. And how should the officer deal with the fees; would you allow him to have all the fees, or only a stated amount of them? A. He would be entitled in many cases to the whole.

Q. If they did not reach a certain sum? A. Yes.

Q. But if they reached an amount that would be sufficient to afford a fair living, what then? A. He should receive the fees up to an amount sufficient to give him a fair living, and after that there could be a percentage paid, or the whole of them taken off altogether.

Q. Have you any opinion as to whether a percentage should be received by the officer on the fees collected after they have reached a certain amount? A. Well, I think myself if he was given a salary up to a certain amount, a sum sufficient to give him a fair living, that that should be all he would be entitled to. I do not see any necessity for giving him a percentage.

Q. That is, the officer ought to do his duty when he gets that salary, whether he gets a percentage on the further amount or not? A. Yes.

Q. Have you heard any complaints about any of the fees being too large? A. No.

Q. Have you heard any complaint as to any of the officers making work or creating trouble for the purpose of enabling them to collect fees? A. No; I have not heard anything of that kind.

HUGH BLACK, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. How long have you lived in this county? A. I have lived here all my life.

Q. Have you been in the council? A. No. I am township clerk and treasurer: have been a municipal officer for over 30 years.

Q. You have seen the list of officers? A. Yes.

Q. What do you think about the way in which these officers should be appointed? A. I do not see any ground upon which I could ask for any change in the present system of appointment. I do not see any way in which it could be improved. There seems to be no reason for complaint. All of the appointees, so far as they are known to me, have been quite satisfactory. I think the public is well served, and that is what the public wants.

Q. Is there any agitation going on in your neighbo.hood on the question of appointment and salary? A. Yes; there is a good deal.

Q. In what way? A. It originated chiefly with the agitation started by the Patrons of Industry with regard to salary and the mystery that surrounds some of the offices, the public not knowing what amount of compensation the officer collects, because he collects his fees, and the public has no means of knowing the amount he actually receives.

Q. Is the source of the agitation about the amount of fees and what is rendered for them or about who shall appoint? A. It is more largely about how the money goes and the cost, which is regarded as a kind of secret between the Government and the officer.

Q. Then I suppose that would fall under the head of the next question about the pay for these different services; what is your opinion about that? A. I can only speak from my own experience. I think the fee system is decidedly preferable to salary, provided a limit is fixed to the fees. I think the fees should not exceed a certain fixed amount; the allowance to the office should be fixed at what is ample compensation for the work, and for the responsibility. The only difficulty at present that I can see in the matter is that, I believe, in some of the offices the fees amount to a very moderate compensation, and in others to a very large compensation, and there is an inequality for the service rendered where there is perhaps a like responsibility—perhaps a little difference—in the amount of work done. But I would be decidedly in favor of the system of the payment of these public officers by fees, instead of a fixed salary, as in that way we simply pay for the service rendered.

Q. Would you be in favor of each officer getting a fixed amount known as his salary, above which he should not get any benefit from the fees? A. Yes; in the offices receiving a very large amount for fees; but I think a sufficient percentage should be paid to him to make it an inducement to see to the collection, after the fees reach a certain amount; I think the present percentage is too large.

Q. You spoke of fifteen hundred dollars to two thousand dollars; what percentage would you give him above that? A. I would not give him less than ten per cent. on the surplus.

Q. And you would give him that percentage whatever the extent of the surplus might be? A. Yes; a fixed sum of ten per cent., that would be sufficient compensation for the trouble of collecting. And that would make him active and diligent in doing his work, so that he would get in the greatest amount he could, having that slight interest.

Q. And you think that would meet the complaints made about the secrecy and mystery of the surroundings? A. Yes.

Q. Just the one rule, just one amount, one percentage? A. Yes; I think ten per cent. would be a fair amount. I would be decidedly in favor of the present system of appointment by the Government of those officials whose duties are largely public, to appointment by the county council or election by the people.

Q. Do you make any exception of those officers from what you have said? A. I do not think so.

Q. You would put all in the same list? A. Yes; if I was driven into a corner I don't know but what I would be quite willing to admit that it might be desirable to appoint the registrar, because his duties are largely local, and I think perhaps he is in a sense responsible to the people in the county in a way that none of the other officers are.

Q. Would you favor a county audit of those accounts so as to check the receipt and payment of moneys? A. I think it might be well just for local satisfaction, but I cannot say that I think anything would be gained by it.

Mr. Mason: Q. Which would you think preferable, audit by county auditor or an audit by a provincial auditor? A. Under the present system I would think a provincial audit.

Q. What I mean is, would it be preferable to have an audit by a provincial auditor who would be a skilled accountant, rather than to have it by the county auditor, who is not necessarily an accountant at all? A. I think generally the county appointees are not skilled accountants. I would favor an audit of accounts by a competent provincial accountant, a skilled auditor, and a public statement of receipts and expenditures made in the local papers.

Q. I suppose any advantage would be that the audit would be uniform throughout all the offices, instead of being irregular according to the particular fancies of the different county auditors? A. Yes; and the audit of a thoroughly competent man would have more weight. As the matter stands in this county, while they employ perfectly competent men to audit municipal accounts, I question whether this auditing would be exactly in the line of their ordinary work. I would be decidedly opposed to the election of these officers mentioned in the list, by the popular vote, because I do not think it would be workable, or that it would yield as good satisfaction as the present system, and because these officers are not directly responsible to the people for their actions; they are largely connected with the administration of justice, which is provincial and not local. I think that those who are agitating for the appointment of those officials by popular vote, do not take into consideration the amount of machinery that would be necessary to institute the new order of things and work it out.

Q. I suppose it would result in regular nominations—in the regular machinery being brought into operation? A. I think it would perhaps give rise to more

perfectly organized machinery than we have to-day, and unless it was made a life office, I think men would hardly run the risk of the expense and loss of time that would hinge upon an election by popular vote.

The CHAIRMAN: Q. Suppose you started with a life tenure of office; would not there very soon be an agitation for a frequently recurring term of years? A. Yes; they would want a chance for somebody else; I think that would be the tendency. It seems to me that that is the idea that sometimes produces opposition to public men.

Mr. MASON: Q. As a general rule you think it best for the peace of the public that elections should be as few as possible? A. Yes; and I think these officers now are more directly responsible to the people; that is, officers who are appointed by the Government are more directly responsible to the people than they would be if they were elected by popular vote, because their appointments are made on the recommendation of the member, who recommends after advising with many—perhaps nearly all who take any active interest in public matters.

Q. And I suppose that anything that goes wrong is very quickly laid hold of and brought forward, either before the inspector, or in Parliament; more than would be likely to be the case with the county council? A. Yes; in the case of the appointment by the county council I think the responsibility would be too indefinite. In a county council with forty members the responsibility is too much divided. I don't know what is the usual practice, but in this county the appointments are made by ballot, that is the system here; upon whose vote an appointment is made is covered with uncertainty. I would add that if these officers were appointed by county councils, in many counties, large municipalities would suffer injustice; take this county council, Guelph city is not represented; take also Wentworth, the city of Hamilton has no representation, and could have no voice in such appointments, although contributing more than any other municipality in the county to the support of the office.

JAMES A. HALSTEAD, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Have you been in the council? A. Yes; I have been mayor and reeve of the town of Mount Forest, and I have lived eighteen years in this county. I am acquainted with the officials you are inquiring about. In regard to the method of appointment, I do not think I would change it. I believe it is better that the Government should have the appointment of these officials.

Q. Why do you say that, as compared with the municipal councils or election by the people? A. I think if the Government appoints, being responsible for the appointment, they are careful to get fairly good men, whereas, if they were elected by the county council it would be done largely by rings. It would not be the fittest man so much that would be taken into consideration as the desire to serve certain local purposes. I would vote for a man, for instance, that I thought would strengthen me, may be, in my election or something like that instead of really voting for the man I thought would be the best for the position.

Q. Then how do you think election by the people would work? A. In the first place, I think it would be very cumbersome, and in the second place, I do not think that the people as a whole are as competent to judge as to the qualifi-

cations of the persons elected as the Government. I think election by the people would be even more objectionable than appointment by the county council.

Q. Could you interest a large community? You have some 60,000 in this county? A. Yes.

Q. Take the election of a registrar, for instance, could you interest that large community in voting for one particular person? A. The great mass of them I do not think you could, they would simply be led by a few as in a political meeting.

Q. They would just take their information from some person who would make a selection and run a candidate? A. Yes; something like we would run an election.

Q. So you really would not get a choice by the people, but a choice by the caucus? A. It would degenerate into that as it has done in the States, I think.

Q. Some persons suggest that that would be changed if the election was for life or during good behavior; do you think that system, if once commenced, would remain or be maintained very long, that the people would be contented to have a person elected for life; would not they want short terms at once? A. I think they would at once begin to clamor for that, so that they could bring it into every election.

Q. Do you think it is in the interests of the community that elections should be frequent and widespread? A. No; I think the further apart elections are the better it is for the community.

Q. It is said by people who investigated these matters in the United States that the fewer the persons that have to be selected by the people the more interest people will take in it, and the better the candidates will be selected; do you think that is a sound principle to start with? A. I have not thought much of it in that way, but if it would not take too long I would tell you a little experience I had in the States a year ago in conversation. I was talking to a gentleman who was prominent in Syracuse and who occupied some official position, and he was telling me how they went about to prepare for an election, and the men that they were going to run, and the party ticket. There they do not run one election one time and one at another, but they have certain officers, judges, sheriffs, registrars and so on all elected at the same time as members of Congress are elected. The parties hold preparatory meetings, and the great question is who is to control these preparatory meetings. The Republicans, for instance, who are anxious for their officers go to work and try to secure the majority of their caucus, and they go about it in every way, they buy up people, spend money and do anything they like. They get fellows for a dollar a day to attend that caucus and vote for them. He was telling me about a lot of negroes who were paid a dollar a day and who voted whatever way they were told, and whatever party could get that caucus he became the party candidate. Then it was not the question of fitness, but of who could find the greatest amount of money to influence this caucus. He fully satisfied me that election of officers by the people is a great mistake. I would rather have it thrown back on some responsible persons who would have some regard for fitness.

Q. That difficulty arises where you have a large territory to deal with. The principle of local self-government is a good, sound principle, but it must be

confined to areas with populations of from two to five thousand, where people can all know their men and can make an intelligent choice. Where there are sixty thousand or more people that is not the case, they have to trust some other person to select for them? A. Yes. Take the election in our own town, for instance, for municipal officers. I don't think the council consider the fitness of the persons so much as they do the prospect of gaining support at their own elections the next year. They are looking more to their own elections the following January than to the qualifications of the individual. I think we have had illustrations of that in the appointment of men to offices who were totally unfit for them. The business men have asked, "Why on earth did you vote for such and such a man?" And the councillors will say, "I have to vote for him, he has a lot of influence," or they will say, "he is related to so and so," and that therefore they had to support him. So that I think it is a mistake when it comes down to election by the people or municipal councils.

Q Then as to the manner in which the officer should be paid, what is your opinion about that? A. Well, you take a good many of them such as local deputy registrars of the High Court, deputy clerks of the crown, clerks of the County Court, and registrars of the Surrogate Court, in fact all except the registrars of deeds, the sheriffs, and Division Court bailiffs and clerks, I don't know anything about their duties, what they amount to or what their fees are. But in the first place, I think that it is right that fees should be charged. I do not think that I should be called upon to pay the salary of a registrar unless I had some business with the registry office. I think each man who employs him should pay for his specific work. But when it comes down to salaries, take the registrars of deeds, for instance, I think there ought to be a maximum salary which they should get, and over and above that ought to go either to the Government or the county.

Q. If the county keep up the offices and supply the books? A. Then I think they should have the surplus.

Q. You speak of a maximum salary; do you mean that whatever it is that it should be the total amount the man receives, and that he should get no percentage? A. I do not think he should get anything above that; I think he should get a good fair salary for the work he does and for his responsibility; and I think that anything over and above that should go to the county. Of course, his deputy and necessary assistants ought to be paid out of the surplus; also the running expenses of the office. But I think the registrar ought to work; that his salary should be such that he would employ only that assistance which is actually necessary. I think when a man is appointed registrar he should go to his office at proper hours, and remain there and work during the day, the same as I do or any business man; should be a working head. He should give his time and attention to the office in consideration of the salary he gets. I do not think he ought to engage in any other business.

Q. You speak of a fixed sum and no percentages above that? A. Yes.

Q. Why do you think that is better than the present system of allowing certain percentages over certain amounts? A. Well, I think in the first place he ought to get what would be a good salary; I don't want to cut a man down. Then I think, just the same as if I hire a man to manage a business for me, I give him what I believe is a good and liberal salary, and I want him to devote his whole time to it. I think the officer ought to get a salary; but he should return every dollar he gets over and above.

Q. The justification for the present system is that the revenue collected in the registry offices is made up of small amounts, and that sometimes lawyers run bills and do not pay on the nail in the different offices, and that collections on small amounts have to be made from time to time. It is claimed that registrars would be more alert and persistent in collecting these amounts, and that the aggregate returns would be better if they have a small percentage on the amount collected over and above the fixed amount of their salary? A. Well, I don't think the registrar ought to give credit. I think a man who goes there ought to pay for his searches or registrations at the time the work is done. If that is not done, and the registrar charges it to him, and it is not collected, I think the registrar ought to make it good out of his salary. I have a good deal to do with registrars, and I always send the money with the document. Then as to searches, I think there ought to be a proper fixed charge that he must charge for every search; and if he fails to collect that he should lose his office; it is his duty to account for every search made in the office, just the same as a man in my employment accounts for every cent he takes in and everything that goes out.

Q. In that way you say there is no reason to give a good man a percentage if you give him a fair salary? A. No.

Q. Do you think it would satisfy the public better if the officers were paid so much salary and no percentage? A. I have never thought anything of that; I have never given it a thought.

Q. It is a good thing not only that people should be well governed, but that they should believe they are being well governed? A. Yes; but I believe if the people knew the registrar, for instance, got a fixed salary, and that all the rest went to the county, they would be satisfied.

Q. Would you make any distinction in the case of the sheriffs, as to allowing sheriffs a percentage over the fixed salary? They necessarily have to give credit in many cases, and in many cases have to do work that is not compensated for? A. Yes; I think I would allow them more latitude in that respect. I put a sheriff on a somewhat different footing from a registrar. I believe that a sheriff must necessarily take a good deal of risk; if he did not the public would feel that he was not doing his duty; and for that reason I think he ought to be paid not only a larger salary, but I think it would be quite right to allow him a percentage over and above that. As to the registrar, I think he should be put on the same footing as the teller in a bank; I would not put him on the same basis as the manager of a bank. I would give a registrar about twelve or fifteen hundred dollars a year in places like Arthur, Durham or Walkerton, and no percentage over that. I believe good men could be got for that.

Q. What would you give sheriffs? A. From two thousand to two thousand five hundred dollars. I don't think twenty-five hundred dollars is too much for the sheriff, with a percentage over that again. I look upon their labors as a great deal more arduous, and their responsibilities altogether different from those of a registrar.

Q. Do you know anything about Division Court clerks and bailiffs? A. Yes; I have a good deal to do with them. At the present time they earn every cent they get. I would not give them a fixed salary; I would leave them the fees.

Q. And Government inspection with reports made is a sufficient check? A. Yes.

Q. So you do not see anything to complain of in the system in regard to that? A. No.

Mr. ROBINSON: Q. You mentioned the deputies. Would you have them under the control of the registrars or appointed by the Government? A. I would allow the chief to appoint his own deputy; but I think I would have the salary of the deputy fixed by the Government.

Mr. MASON: Q. Do you approve of an official audit of the accounts of the registrar and sheriff? A. Most decidedly.

Q. So as to arrive at a satisfactory statement with regard to the returns made? A. I think so; there is one now, is there not?

Q. No; there is an inspection. A. Well, the county councils once appointed auditors. I think there should be Government auditors, responsible men.

Q. Would you prefer an ordinary county auditor or a Government auditor, a trained professional auditor? A. I don't think the auditors appointed by the county or any local municipality are much good at all. Like most municipal officers they are appointed through some influence that is brought to bear. We had an example of that, two or three years ago, appointing an auditor in the county of Wellington, and I remember one man's name was brought up there few of us ever saw; and yet very strong influence was brought to bear to have that man elected; and he came very near being elected. I voted for him, I acknowledge; I never saw the man in my life; I was told he was a fit and proper man. Now, I don't think I did a wise thing. I think they ought to be appointed by the Government. In that connection I believe that the auditing of all municipal accounts in towns, villages and municipalities would be done much better if there were Government auditors to audit those accounts; and those auditors should be chartered accountants, thoroughly qualified men. I know we appoint auditors in those local municipalities to audit our accounts who know nothing whatever about accounts. They are not appointed for that reason, but it is some poor fellow; and they say "We had better give him that fifteen or twenty dollars."

The CHAIRMAN: Q. The effect of that would be a board of provincial audit for auditing municipal accounts? A. Yes.

Q. And that would include the accounts of these offices? A. Yes.

Q. What time would it take to audit all the accounts of the county? A. I could hardly say that; I don't think it would take long.

Q. One man could not do the province? A. Oh, no; I think it would take a good many men, it would have to be divided into districts. In the town of Mount Forest our receipts and expenditures amount to from thirteen thousand to fifteen thousand dollars a year. I think those accounts could be audited by a properly qualified auditor or accountant in two or three days for the whole business.

Q. Then it would not be necessary to have a standing official board who would attend to that and nothing else; you would have men detailed for special purposes, who would go about their duties the rest of the year? A. Yes; but what I am getting at is this, I would like to see men who are trained accountants do it, as a guarantee of their efficiency.

Mr. ROBINSON: Q. In the registry office do you think the duties are very responsible? A. I do think they are very responsible duties. As I understand it, if a registrar makes a mistake in an abstract and a loss occurs through that he has to make that good.

Q. His duties require some knowledge of legal matters? A. Well, I don't know; I think it is more copying and entering up abstracts of documents. He has the books properly prepared for each entry, and his duty is to see that these entries are properly made in the books. It is simply a matter of bookkeeping; if he is careful and checks over his work that is about all there is to it.

Q. What is your opinion about the fees in the Division Court; something has been said about it costing an excessive sum to collect a small debt, $4.00, or something like that? A. I have no reason to complain. I think likely it is just as much expense to collect four or five dollars as ninety or one hundred dollars, as far as the bookkeeping is concerned, and for that reason I don't see how the fees could be made much less.

The CHAIRMAN: Q. The credit system has been considerably reduced, and there is not so much suing as there used to be? A. Nothing like as much. We have a large business, and I have not a single account in the Division Court at the present time; I don't think the average of cases we have in court would be two to each court, and there are six courts in a year.

Mr. ROBINSON: Q. To what do you ascribe that falling off? A. I think the whole course of business in the country is changed to what it was in the early days. In the early days people only had money once a year. At the present time they sell cattle and cheese and butter, and they have something to make money out of both summer and winter, and the result is they have money to use right along.

ALEXANDER STEWART, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are the mayor of Palmerston? A. Yes.

Q. What do you think regarding the appointment of these officers? A. I think the present method is probably as good as any other we could have; I prefer it to appointment by the council or election by the people. Appointment by the council is bringing it a little nearer to election by the people. I believe in leaving it to those who are more responsible, and probably better capable of judging.

Q. The choice is now made by the people's representatives, is it not? A. Yes; it is.

Q. And you think that a better choice is likely to be made by their representatives in Parliament than by their representatives in the council? A. Yes.

Q. I suppose those in the Parliament and in the Cabinet have the opportunity of knowing and judging better than the county council could have? A. Yes; and they would be likely to adhere to a more uniform standard.

Q. Then you favor the present system being continued, no better substitute being offered? A. Yes.

Q. Then as to the manner of compensation? A. I believe in compensation by fees collected for the services. I think a fair remuneration should be given for the work done. In some places there is more work than in others, and I think in those places where there is even not so much work there should be a fair remuneration given. I think there should be a percentage given on the extra amount of fees collected above a certain amount.

Q. Then, do you see any objection to the present system by which the registrars get up to $1,500, and the sheriffs up to $2,000, and then account for the balance with a percentage? A. I think that is proper. I think in some cases probably the registrar's fees are higher than they might be; the charges to those who have to pay for them, for the registration of deeds, mortgages and so on, and for abstracts. I do not mean the aggregate that the registrar gets is too much.

Mr. MASON: Q. That would apply more to the case of abstracts? A. Yes.

Q. As far as deeds are concerned it would be about the same? A. Yes; the registration of deeds is the same in all cases, on mortgages and abstracts I think they are a little high.

The CHAIRMAN: Q. Are there any complaints as to Division Court clerks and bailiffs? A. No; their fees are very small, I do not think they are getting too much in this county.

Q. Is there any objection to the tariff of fees allowed to sheriffs, that you know of? A. I do not know that there is.

Q. Is there much discussion about this subject here, or is the thing chiefly as to the large salaries? A. I think the chief thing is that large salaries are paid out to the official.

Q. Those salaries being adjusted, you think the whole difficulty would be solved? A. I think as to the appointment too, there is considerable discussion.

Q. There is some discussion about the appointment? A. Yes; some are dissatisfied with the present mode of appointment and would prefer having a say personally in the appointment.

Q. No adjustment of the salaries would cure that? A. No.

JAMES M. FARLEY, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are warden of the county and reeve of Sidney? A. Yes.

Q. How long have you lived here? A. All my life.

Q. What is your occupation? A. I am a farmer.

Q. What is your opinion as to the manner of appointment of these officers? A. I am in favor of the elective system; election by the people.

Q. Please mention what officers? A. The registrar of deeds, the sheriff, clerks of the crown, clerk of the County Court, county attorney, clerk of the peace.

Q. What about Division Court clerks and bailiffs? A. I never thought that they should be elected.

Q. Would you leave them as they are? A. I would either leave them as they are or have the judges appoint them. I rather favor leaving them as they are.

Q. Why? They are local officers. If you would have registrars elected, why do you make this distinction? A. They are more sub-officers than anything else. They are not as important as sheriffs, and the expense of an election too great for such an office. I believe that the people are in a better position to know who would make good sheriffs than even the Government.

Q. Then the others you have not mentioned you would leave as they are? A. Yes.

Q. For how long would you have these officers elected? A. For life. As long as they performed their duties properly.

Q. Who would have the supervision of them, to see that they did their duty, and to turn them out or reprimand them if they did not? A. A point comes in there that is very difficult to answer. I think there should be an inspection by the Government.

Q. You would leave the Government system of inspection still? A. Yes.

Q. Who would make complaints? You would have the officers elected by the people. How would complaints be reported to the inspector? Whom would he report to, and who would deal with the officials if they were acting wrongly? An inspector would come round and see that something was wrong. Who would deal with his report? A. I do not not think that I could answer that question satisfactorily.

Q. If a change had to be made, there would have to be a new election, at all events, to fill the office? A. Yes. But about the inspection, I am free to admit I do not know how to arrange about it. Where an official was not keeping his books as he properly should, I do not know what provision could be made regarding that; or if an officer is dismissed, who would have the dealing with it.

Q. Then why do you favor election of these officers in the cases that you mention? A. I have two or three reasons for it. Perhaps they are not reasons that are easily given. I judge the matter locally a good deal, by this county, and in reference to the farmers. I have no fault to find with the present officials, although I think that if they were elected we could appoint equally good officers; and I believe that the people would elect equally good officers, but probably not better ones. It is the practice in this county that no farmer fills any of these offices. Under the present system the farmers are practically excluded, in this county at all events; and that I am not pleased with. That is one reason. The second reason is that I do not think under the present system members of Parliament, so long as they have the patronage, are truly independent men; and I think that members of Parliament should be independent; and I do not think they are likely to be as long as they have the patronage. The third reason is that so long as members of Parliament have the patronage we are not likely to have as economical officials as we otherwise would have.

Q. Then in electing to those offices of registrar and sheriff, you have of course one registry office for the whole county, including the city? A. Yes.

Q. And one sheriff? A. Yes.

Q. The county is an extensive territory? A. Yes.

Q. And the population is some 58,000. How many voters? A. I could not say.

Q. How would you deal with the elections; would you have the electors of all the county and the city voting on the candidates? A. Yes.

Q. How would you proceed to get the candidates elected; would they be run on the same lines as the candidates for the House of Parliament and the House of Assembly, or would they have to paddle their own canoe, so to speak—do the advertising and represent their own merits? How would you in practice apply a popular vote to these officers? A. I don't know that I understand your question exactly.

Q. How would you ascertain the men, and how would the running be conducted; how would these men get known to the people; how would the population of the county get to know the men, and how would they be guided as to the merits of the men; or would the arrangements be made by some central organization or convention? How would the election be conducted?

Mr. HOBSON: Q. How would they be brought out? By nomination, as in the Local Legislature, or by nomination of, say 25 electors, as in Dominion?

The CHAIRMAN: Q. Would not it be run in the same way as you run a political election? A. It would to a considerable extent.

Q. Could there be any other scheme? Would not the political machinery used in the elections now, for a constituency as large as a county, be employed to elect all these officers; because the constituency is the county? A. It would to a certain extent. I do not think it would in a good many cases. Take the registrar of this county. If that position were open, it would not be a party election at all.

Mr. HOBSON: Q. But generally speaking? A. I think in a good many cases it would.

The CHAIRMAN: Q. Do you think you would get better officers in that way, or get the farmers represented, that the farmers would have a chance? A. That is one thing; I think we would have fully as good men.

Mr. ROBINSON: Q. Why have not they an equal chance with those in the cities? A. Because they have not the same influence with the Government, apparently, judging by results.

Q. Of course you are more numerous? A. Yes.

Q. You do not bring your influence to bear? A. That is true. In this county we have not an official of first, second, third, or fourth rate importance.

The CHAIRMAN: Q. Suppose that the Government were to call upon the councils to give a list of names of men suitable for the offices that were vacant, and appointments were made by the Government from that list, would that overcome the difficulty in your mind? A. I do not know that I ever thought of it in that way.

Q. You are saying now that the patronage is in the hands of the local member, exercised in that way; but the Government have to be informed from some source as to the suitable men; and suppose that the information and

recommendation were to come from the county council by their giving a list of names of those that they thought eligible for the position? A. Would the Government be confined to those names alone?

Q. That is the question. The county council might confine it to one political party.

Q. Would not the difficulties you have mentioned about the choice being limited be overcome by the county council submitting a list of qualified names to the Government?

Mr. HOBSON: Q. If the Government nominated out of a certain number of names submitted by the county council that is practically an appointment by the county council.

The CHAIRMAN: Q. I understand that the way you put it is this: That you would not act through the immediate council in any way, even as to nomination; you would let the people nominate if there must be a nomination; you prefer the people to elect? A. Yes. If there is any way of fixing that thing so that the county council would not exclude one party I would not object to that, but the county council would have the power to exclude one side of politics.

Q Are not both sides represented in the county council? A. Yes; but one side generally prevails. Sometimes one side and sometimes another.

Q. Suppose that there was a majority and a minority report; that two lists of names were submitted to the Government? A. I would be quite satisfied. I would have no particular objection to that.

Q. Would you prefer that or would you prefer the elective system? A I would prefer the elective system.

Q. The elective system might be very expensive? A. Yes; that is an objection to it.

Q. Where there is a reasonably good salary attaching to any office, and there was an election about it, there would be a very strong feeling running in the county, and candidates would be inclined to contest elections if there were any bribery or undue influence. Do you not think it would tend to promote unfair means of getting elected, bringing unfair influence to bear; a man getting elected for life to an office with a good salary attached would find it worth his while to spend some money judiciously? A. I would not favor as large a salary as now.

Q. But it would be worth having, a place for life with a good position; would not the tendency be to increase the undue influence made use of to secure returns, and so provoke an election dispute and a re-election in the case of these salaried officers? A. It might have that effect in some cases.

Q. Of course, if that were the result it would increase the expense of the system? A. That is the objection, no doubt; the only serious objection, in my opinion. It is quite a serious objection, but, take it all in all, it is better than the other.

Q. Would you have the fees of the registrar or the salary, controlled by the council in the case of election? A. I am not in favor of salaries; I am in favor of fees.

Q. Would you have the county council control what fees were to be paid? A. No.

Q. Who would control that? A. I am in favor of the control just as it is now. I would reduce, I think, the first fifteen hundred dollars that the registrar has. I would reduce that amount so that a less amount would come to the registrar, but I would have payment by fees throughout.

Q. Would you leave the legislature to arrange the salaries and fees? A. Yes.

Q. If the people had the selecting of the officer you would let all the rest of the machinery be conducted by the Government? A. Yes.

Q. So that the change would merely be the election of the officers? A. Yes; and I would want the proportion reduced of the fees, so that the officials would get less compensation.

Q. So that the change would be simply electing them by the people, leaving the rest of the system as it is now, to be regulated by the legislature? A. Yes.

Q. As to county attorneys; would you have them elected? A. Yes.

Q. Do you think there would be a danger in this way: that in a certain county some general law was unpopular; would not the tendency be in such counties that these officers would not enforce the law as vigorously as would officers appointed by the Government? A. Not where the appointment was for life or the man elected for life.

Q. If you began with an election for life by the people, would not they clamor for and secure elections for a shorter period, as it is in the United States, where it began with life elections, and was changed to short terms? A. There are a good many in favor of that.

Q. If the life system came in would not the next step be an agitation for short terms, on this plea: They are there, we do not like to turn them out, and if we do not approve of them we want to have the opportunity of electing others; and it is only fair that all should have a chance, and that the good things should not be given for life; would not it come in that way? A. I do not think so, because I think the feeling in this country is too strongly against the system of short terms. I believe that the feeling of the country is strongly against that.

Q. Then, in the way you put it now, you regard the sheriff as one who represents a local department of Government; you think that he is not an officer of the general Government, but a local officer. The sheriff is part of the general system; he represents the executive power of the country, and not the particular power of the county council, but the authority of the whole Government in his county. You would appoint these registrars and sheriffs on the ground that they are local officers, municipal officers? A. Yes.

Q. Is your desire of changing with the idea of bringing the matter nearer to the people; that they as the source of power ought to have a direct voice in the appointment; is that the idea? A. Yes.

A COMMISSIONER: Q. I understood you to say that it was largely to give farmers an opportunity? A. I gave three reasons. One of the greatest reasons I have is that if the officers were elected, then members of Parliament would not have the patronage. I am not in favor of members of Parliament having the patronage.

The CHAIRMAN: Q. Then, suppose that your officers were appointed or elected, how would you pay them? A. Pay them by fees.

Q. By reducing the fixed amount? A. Yes.

Q. Not letting them have up to $1,500? A. No.

Q. Would you favor a fixed salary, in the sense that each officer got so much and no more, or would you allow a percentage above the fixed amount, as now? A. A percentage; a fixed salary that would do in Hastings would not do in Toronto.

Q. Yes; you would not have the same salary in a smaller county, where there was less work; but over and above the fixed sum, would you favor the officer getting a percentage of fees on the extra collection? A. Yes.

Q. Why would you do that? A. Because I think that with additional responsibilities he should have additional pay.

Q. It is rather a matter concerning the officer himself; whether the officer should receive any more compensation than the fixed amount. The Government now allows a fixed sum, and if the fees go above that, he has a certain percentage on the collections, which he takes over and above his salary? A. Supposing that his collections run up to $1,500, I do not think when his work amounts to three or four times that, that he should not receive any additional fees.

Q. You would allow him more? A. I would allow him more.

Q. So that he might get ten per cent. on the additional amount? A. Yes; some additional pay.

Q. What do you say as the license commissioners and license inspectors? A. Leave them as they are, rather than have them elected by the people.

WILLIAM MACLAREN, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are the reeve of Tiendinaga? A. Yes.

Q. How long have you been in the council? A. Off and on I have been twenty-four years. I have not been in the council all the time, but it is twenty-four years since I was first elected.

Q. What do you think about the appointment of any of these officers that we are dealing with? A. I am quite satisfied with the way that they are appointed now, by the Government.

Q. Has there been any discussion in your council about making a change? A. There has; at the last session.

Q. Was any vote taken on it? A. Yes; a majority voted in favor of the county council making these appointments.

Q. How many members are there in your council? A. Thirty-eight.

Q. This was the county council? A. Yes.

Q. How did they divide? A. I think there were twenty-one in the majority. One or two members were not present.

Q. Twenty-one and seventeen? A. Yes.

Q. What were the grounds on which they desired the change? A. They considered that the body that paid the officials should have the appointing of them.

Mr. ROBINSON: Q. Which way did you vote? A. I voted against it there. In some respects I might have been in favor of it, only I thought that the resolution that was brought up there for the county council to have the appointing of these officers dealt only with those that were appointed by the Provincial Government.

The CHAIRMAN: Q. You thought it should be extended to the Dominion Government? A. If it were to be done it should be extended.

Q. Have you any reason to be dissatisfied with the present mode of appointment? A. No.

Q. Do you think it would be of any benefit to the county councils? A. I do not see any benefit. I think it would be a great deal of trouble and cause a great deal of bad feeling in the county councils. That is, where the councils are composed of two parties, which they generally are. At present our council here works very harmoniously, and it is seldom that anything comes up to cause discord. But I think that if the appointments were in the hands of the county council this state of things would be changed.

Q. Is the true inwardness of the whole thing this: That they are dissatisfied with the large salaries paid; that it is not so much getting the appointments into their own hands as being able to cut the salaries down? A. That is partly it.

Q. Is it not wholly? Do you think that they want the appointments, the right of appointment? A. The Patrons of Industry claim so.

Q. I mean, judging from what took place at your council. I was anxious to know on what ground they divided; was it that the officers were being paid too much, and that money should be saved? A. Well, no; those that voted in favor of the motion were pretty much all one stripe of politics, and a few Patron members voted with them. I think it was more of a party question.

Q. Than treated on the merits? A. I do think so.

Q. Then you approve of the present system of payment? A. I certainly think that these officers should be paid by fees, but I think in some cases that they get too much

Q. What cases do you refer to? A. I think that the registrars and the sheriffs get too much; taking the places especially where the farmers feel very much the effect of hard times, we find a farmer may work hard for a lifetime, and he cannot accumulate as much as the salary that some of these officials get in one year; and we feel that these officials ought to feel a little of the hard times as well as we. In counties where the salaries are large from fees, I think that they ought to be cut down, either by reducing the fees or by having a larger percentage taken for the general benefit.

Q. What figures would you name for the registrar and the sheriff; what do you think would be fair salaries? A. I am hardly a competent judge of that. I have been brought up on a farm; I have never had any of the qualifications that are required for these offices. They have to get an education, which costs them money, and they have to get security.

Q. What is the treasurer of the county paid? A. $1,200.

Q. And the clerk? A. $600.

Q. Is your idea that the registrar and the sheriff should be about on the same footing as the treasurer as to salary; do you think that would be reasonable? A. I am not so well acquainted with the work of the registrar and the sheriff. I know pretty well what the work of our county officers is.

Mr. ROBINSON: Q. Does their office work take up most of their time? A. The work of the treasurer certainly does. I do not think that the work of the clerk takes up all his time.

H. A. PATTESON, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Are you in any municipal position? A. Not at present; I have been mayor of Chatham twice, in 1887-8.

Q. Have you gone over this list of names before us? A. I have not; I did not expect to be called at all. I know something of the agitation that has been going on.

Q. What is your opinion as to the best manner of appointing these officers? A. By the Government.

Q. The present system you think is preferable to any substitute? A. Yes.

Q. Why do you favor appointment by the Government rather than election by popular vote or appointment by the county council? A. Well, election by popular vote would certainly tend to the election of ward politicians or men who would be no credit to the office. Men who would pull wires.

Q. Do you think it would be any better if the officers were elected for life, or during good behavior? A. That might have some effect upon it, but it would still dwindle down to the same unpleasantness that arises in the American Republic.

Q. Have you any reason to think that the present system does not work efficiently? A. No.

Q. And you would not change merely for the sake of changing? A. Certainly not.

Q. Then as to the compensation of these officers. They are all collecting fees, and it is not proposed to discontinue the collection of fees from the persons who benefit by the services performed, but the question is as to the manner of dealing with those fees in the payment of the officers? A. I would favor the present system of payment by fees. I think the officer is more likely to attend to his office properly when he is paid by fees than when he is paid by salary.

Q. Would you favor funding the fees after a certain amount has been reached, or would you allow him to retain the full amount of the fees? A. That would have to be regulated by the Government, because some officers are far more lucrative than others.

Q. Do you favor the present principle that officers should receive up to a certain amount by fees? A. Yes.

Q. And that after that they account for the remainder, taking for themselves a certain percentage? A. I think that is the fairest possible way that can be.

Q. That answers a double end, the officer receives a fair sum, and at the same time he is on the alert to collect all he can beyond that? A. Yes: to make all he can out of the office in reason.

Q. Then as to the assistants in the office, where deputies are required, are you in favor of leaving that appointment in the hands of the chief officer? A. I think that should be left in the hands of the chief officer, and in many instances I think the Government should pay over to the assistants a certain sum of the fees.

Q. Have you heard any complaints in regard to Division Court clerks and bailiffs? A. No.

JOHN P. THOMAS, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are a barrister here? A. Yes; I have been in the law about thirty-four years, in the Board of Trade many years, and was official assignee during the currency of the Insolvency Act. I do not find any fault with the existing system as it is, or with the powers that be, nor do I assume to give anything more than suggestions.

Q. There are two lines of inquiry: First, whether any change is desired or desirable in the appointment of these officers. They are appointed by the Government at present. As to any or all of them? A. I think generally that all judicial officers should be appointed by a central authority, by the Provincial Government or other central authority, and should be removed from the elective people. Executive and judicial offices.

Q. That is the present system. The Government in Council should make the judicial appointments for the province. A. Yes; and the appointment should be approved by the local member of the county in which the appointment is made, as far as practicable. The appointment should be recommended by the member and not by party move. Patronage is sometimes in the hands of a defeated candidate, who can only represent the minority.

Q. Would you have it recommended by the municipal council?

Mr. HOBSON: Q. You would have it recommended by the member who was sitting? A. I am only saying that he should be heard. If a defeated candidate should have the recommendation, he would be representing a minority. I would add to this list justices of the peace and health officers and county constables. Registrars of deeds might possibly be elected or appointed by the county, although I see an objection in this: That it would be adverse to the general interests that these men should be changing office. A registrar of deeds should be in as far as possible during good behavior. It would cause a good deal of disturbance to change registrars. I would rather have a less qualified man than change the man often. I do not like to pronounce upon that point, although it being a local office, it might be divided in some way so that the county council might recommend the man; and where there is separation for the purpose, that they might have some recommendation of the local councils together.

Q. Belleville is separate for municipal purposes? A. Yes; I think the Division Court clerks and bailiffs should be appointed by some central authority as at present, but that they should be recommended or approved by the judge, who should have some supervision over them, a little more than there is now. I do not think that one official, like the inspector of Division Courts, is quite sufficient to supervise so large a number.

Q. How many Division Courts have you in this county? A. I think there are twelve, and probably twenty-five or twenty-six officials.

Q. What is the population of this county? A. About 58,000, and the town about 10,000. I think that county constables should be appointed by a committee composed of the county judge, the sheriff and the police magistrate, or some official having some supervision and knowing what the duties are; and that they should hold office for a limited time, and be reappointed, so that there should not be any odium in dismissing a man if he were inefficient. You would simply drop him. The justices of the peace in the county I think should be paid by salary, and that salary should be borne by the municipality in which they are appointed —be it much or little.

Q. Is that because litigation is fostered by their getting fees? A. I do not like to say that.

Q. But it is open to that suspicion? A. It is; and the office has often been used for the purpose of revenue only. We have had instances. I would not individualize anybody, although it can be done. I would have some small salary, as it is with the post-office. That, together with the honor of being a justice of the peace, would get competent men to act.

Q. What figure would you say for the salary? A. I am not competent to say as to that.

Q. Would you have them collect fees? A. If fees were collected they should be handed to the municipality.

Q. Funded? A. Funded, clearly. As to medical health officers, I think that is a most important thing in the interests of the public. I think that they should be appointed by the Provincial Board of Health. The health of the community is one of the first things to look after.

Q. There is a Board of Health that appoints? A. Yes; you know how local influences prevail.

Q. The matter of public health is peculiarly a local municipal matter. Do you think that the local authorities are not disposed to appoint good health officers? A. Yes; I think they do their best to support good officers, but I think that under the regulations and directions of the Provincial Board of Health they could be supervised: and they should be paid sufficient to insure competent men.

Q. What is the arrangement now? A. I am not familiar with it.

Mr. Hobson: They are paid by the municipality and appointed by the Board of Health.

The Chairman: Q. What you speak of is the supervision of the officer? A. Yes. As to question third, I think that a competent inspector should supervise the officials more than once or twice in the year, and, instead of inspecting what they have done at the end of the year, he should instruct them beforehand, so

that they may go right during the year. I am speaking as far as my limited knowledge goes. I only got this paper yesterday. There are not enough competent inspectors; because it is through them only that uniformity can be obtained and the officers instructed in the duties of their office. The best man will sometimes go wrong.

Q. Is not the cry now that there are too many Government officers? A. I cannot help that. My idea is, efficiency at any cost. Several inspectors should be appointed, and they should be instructed by a chairman or chief, to secure uniformity of proceeding. Several inspectors might go at different times.

Mr. HOBSON: Q. Would you have inspectors following each other? A. No; but I would have them arranged in the same way as judges on circuit.

Mr ROBINSON: Q. Would not you have these candidates examined as to their qualifications beforehand? A Yes; any such method as would secure efficiency. I am not prepared to go into details.

The CHAIRMAN: Q. Would you relegate the appointing power to any other body than at present? A. Judicial and executive officers should be appointed by some power that is outside of local influences. For instance, the local master is judicial, and the deputy registrar is ministerial.

Q. The deputy registrar is an officer of the court. Would you have him appointed by any other officer than the Government or the judges? A. No; I would not. And I think the sheriff should be a Government appointment as at present.

Q. Division Court clerks and bailiffs? A. With the approval of the judge. They were formerly appointed by the judges.

Q. Do you think that the county councils could safely appoint the Division Court clerks and bailiffs? A. I would hardly like that to be done. It would be an experiment that I would not recommend. Then the payment of judicial and executive officers should be by salary. Justices of the peace should be paid by the day when employed, similarly to arbitrators.

Q I thought you were favoring salaries? A. Yes; salaries or an arrangement based upon something like this. Where there are fees they should go to the county.

Q. Would you have the county pay the salaries of justices of the peace? A. Yes; the county constables and also the local health officers. Ministerial officers should be paid by fees.

Q. You would have judicial and executive officers paid by salary, and ministerial officers paid by fees? A. Yes; and where the receipts are too large the surplus should go to the section that pays it, either to the municipality for general purposes or to a general fund. In many cases the remuneration may not be sufficient if it is based on the amount of work done. In the case of a surgeon, for instance, you must have a competent surgeon although he only performs one amputation in twelve months. The salary should be based on skill and ability. As to payment out of the general revenue of the province, where stamps pay the fees, I think the general revenue should pay the official; that is, where they are paid by salary. For instance, the master, deputy clerk of the crown, the registrar and clerk of the Surrogate Court; my opinion is that they should be paid by salary, and that the stamps should meet it as far as they go.

Q. If the stamps are not enough? A. Then, for the general good of the administration of justice the public should bear it. Then I think that the county attorney should be paid by the local municipality, and also the clerk of the peace

Q. He does a great deal in the way of criminal justice? A. Yes.

Q. Should the county bear that? A. Yes; he does the work for the benefit of the locality.

Q. You would not give the county the power to appoint him? A. No.

Q. He would be appointed by the central authority, and the county would have to pay? A. Certainly.

Q. That would only increase the agitation at present going on? A. I have not anything to do with the popular agitation.

Q. But we have to consider what the best manner of administering the offices of the country is, so as to give satisfaction and efficiency. It would not do to change for the sake of change, on some theory. A. I do not want to change the appointment of so important an officer.

Q. You are putting the charge of criminal administration of law on the counties, where it is borne by the general government now? A. Yes; if his fees were taxed by the local municipality the burden would fall on it.

Q. At present there is about one-sixth of these fees paid by the county and two-sixths by the Government. Then, as to the payment of registrars of deeds, what do you favor? A. I think the registrar of deeds ought to be paid a sufficient salary, up to a certain amount, where it yields that. In some districts where the amount of business is small he would get a small salary; he would take his chance of that. Where the receipts are very large I think the present system is about as good as any, as far as I can see?

Q. Division Court clerks and bailiffs; would you let them take the fees as they do at present? A. I think so; I think they ought to be inspected quarterly.

Q. Instead of yearly? A. Yes; I think that one inspector is totally insufficient. The country ought to be divided into inspection districts. It is a most important court; it is growing in importance: and there should be uniformity in the proceedings. The officials, being reasonably healthy, should be allowed reasonably for disbursements for such assistance as necessary, a tariff being fixed for that; that is, where deputies are given. Municipalities, I think, should only appoint those officers that are directly required for the service of the municipality, and these should be inspected by some independent inspector, independent of the council, so that uniformity and efficiency would be secured throughout the country.

Q. Would you favor a professional audit of the county accounts instead of leaving it to the municipality to audit by some local people? A. I think that that might be safely left to the municipalities. Judging from our own they are exceedingly careful and prudent about the management of their finances.

Q. I would ask you about another class of officers—that is, the license inspectors and commissioners. Would you advocate any change in the present system? A. I have not given enough consideration to that to enable me to speak about it.

Mr. ROBINSON: Is there any agitation or grumbling about the present mode of appointing the sheriff or registrar? A. I have not heard any in this county. Of course, there is grumbling in all cases.

Q. If there is any life in a municipality there will be grumbling? A. Well, there is some grumbling.

WILLIAM EDMONDSON, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Have you ever held any municipal office? A. Yes; I have been in the township council—deputy reeve.

Q. How long have you lived here? A. The biggest part of my life.

Q. You know the officers we are discussing now, I suppose? A. Well, I am not intimately acquainted with the duties of all of them.

Q. Which of the officers are you best able to speak of? A. Registrars and sheriffs.

Q. What do you think of the way in which they should be appointed? A. I think they should be elected by the people.

Q. For how long? A. I think for a term of four or five years.

Q. A short term? A. Yes.

Q. Why do you favor a short term and not a long one? A. If they should not prove successful we would sooner have an opportunity of getting rid of them.

Q. Then would you have everyone vote on the choice? A. Yes.

Q. You would not restrict it to a property qualification? A. Well, I would have the vote the same as at our municipal elections, whatever that qualification may be.

Q. Would you have the Division Court clerks and bailiffs elected too? A. I don't know that it is well to go as far as that.

Q. Would you exclude those who are officers of the court from the election? A. Which officers?

Q. For instance, local masters, and deputy registrars of the High Court, deputy clerks of the crown and clerks of County Courts? A. I do not know whether it would be wise perhaps to go quite so far as that, but such officers as the registrars and the sheriffs and the county judge—

Q. You think the county judge might be elected? A. Yes.

Q. For a term of years the same as the others? A. Yes.

Q. Do you think as good a choice would be made in that way, electing a number of officers at one time, as if they were appointed? A. I think so.

Q. Would the people at large be able to judge of the best man to have? A. Yes; I think they would.

Q. What means have they of judging of the capacity of a lawyer to be a judge? A. They have general information.

Q. And do you think that thirty-four or thirty-five thousand people in a county would take any trouble to know anything about the qualities, character and capacity of the people offering themselves for the positions of sheriff, registrar and judge? A. I think sufficient interest would be taken to insure good officers being appointed.

Q. Would you poll one-half of the vote? A. They do not generally.

Q. Then people do not take enough interest; is not it so? I know it is in Toronto. A. There would be enough of a vote to carry it.

Q. Then the majority of those who vote would carry it? A. Yes.

Q. But that might not be a majority of the people interested? A. No; it might not.

Q. So even in that way you think a better choice would be made than under the present system? A. I am not complaining of the present officials.

Q. In order to justify change you must either have greater economy or greater efficiency, that is usually considered? A. Well, I think it would be better in this, that if the persons were not suitable, they could more easily be got rid of. The present system is not satisfactory in that respect. You take our judges or any of our officials appointed by the Government, and if they are inefficient in the performance of their duties or neglectful in any way, the only way you can get rid of them is by a petition.

Mr. HOBSON: Q. As a matter of fact do you know of any such? A. I have heard of them, I do not wish to mention any names.

Q. And has the Government refused to change them? A. Well, it would be necessary to impeach them, and to get that evidence is very difficult.

The CHAIRMAN: Q. At present, you see, we are not dealing with anything that is not within the power of the Ontario Government. As to judges, that appointment is in the hands of the Dominion Government? A The same thing would apply to the officers appointed by the Ontario Government.

Q. I don't see why you draw the line at County Court judges, why should it not apply to the Superior Court judges as well? A. Well, the County Court judge is more of a local thing, I would not go as far as to say our Superior Court judges.

Q. Have you come to this conclusion after a process of consideration, or from observation of the effect of the system in the United States? A. No; in fact I did not know what your questions were.

Q. But you have been thinking of this thing before? A. The matter has been talked of more or less, but there is no very violent excitement.

Q. But have you observed or read anything of the effects of the system of election of those different officers by the people in the States? A. No.

Q. It prevails all over the States, and they are trying to get rid of it? A. I have understood that it prevailed there, but not that they were trying to get rid of it.

Q. In some of the Eastern States they are trying to get back to nomination by the Government instead of election by the people. It is found there to work not only on party lines, but it enables wire pullers who make a business of getting up party tickets for the purpose of running men in and making profits to attain their end. There every man who stands for an office has to plank down several thousand dollars to pay election expenses. Would you say that it would not run into that sort of thing here, that is the way it works there? A. I do not know.

Q. Then as to the manner of paying these officers, what mode of compensation do you think should be followed? A. I think the present system, the fee system is the most correct.

Q. Do you mean as it is managed at present, a certain amount being paid to the officer and the rest turned over to the municipality? A. Yes; but I should have a stipulated amount, up to a certain amount.

Q. Not to exceed that? A. Not to exceed a certain amount which would go to the officer.

Q. Would you give a percentage on the collections above that? A. No.

Q. You would give him a fixed amount and no more? A. Yes.

Q. However large the surplus might be? A. Yes.

Q. Have you heard any complaints as to fees being extorted or money being made by any of these officers? A. No; I don't know that I have, not in this locality.

Q. What inspection would you have of the offices? A. I think I would retain the Government inspection.

Q. How long a period did you say you would have these officers elected for? A. Four or five years.

Q. Don't you think that would be a much more expensive system than the present one. Would not there be protested elections, trials and re-elections? A. There might be a little of that, but I fancy that a good set of officers would not be changed every four years.

Mr. HOBSON: Q. But there would be an election every four or five years? A. They would be eligible to be re-elected.

The CHAIRMAN: Q. You think they would be re-elected? A. Yes.

Mr. HOBSON: Q. Other men would not oppose them? A. I don't think they would. Take our own officials here, they have been elected for the last twenty years, there has not been much change.

The CHAIRMAN: Q. Then Mr. Shenston would have gone back pretty often? A. Yes; I don't think he would have been discharged.

Q. The people would not say, "That fellow has been there long enough, we will run him out," the people who did not vote on the former occasion? A. I don't think so.

Q. You must have a very good sort of human nature in this county? A. I don't think in that case it would be so. I have no objection to the present method

of appointment, providing that members and ex-members of Parliament are not appointed to fill these offices. By this exclusion the independence of Parliament will be better maintained.

G. W. FIELD, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows :

The CHAIRMAN : Q. How long have you been living here ? A. I have been living in Guelph about eight years.

Q. Before that time what county were you in ? A. I was living in the county of York in the city of Toronto.

Q. Just run over the list of officers ; what do you think as to the manner of their appointment ? A. I think the appointment should rest as at present, with the Government. I think that is preferable to election by the people or selection by the council. Take the registrars of deeds, and the sheriffs, for instance, if they were elected by the county council it seems to me there would be a great deal of log-rolling about it. In the case of any of these offices, suppose there are two applicants, one in the township of Nichol and the other from Pilkington, it is my experience that almost as a matter of course the reeve of Nichol would support his man and the reeve of Pilkington would support his man, without very much regard to their qualifications or abilities, or their fitness for the position. I think that would apply to all the officials here. Then I think that a more distant authority like the Provincial Government would have a better way of getting at the qualifications of a candidate for an office than if their election depended on local preferences or local prejudices, which would be brought to bear upon the council. As to election directly by the people I think it would be preferable to appointment by the council. I believe that in the course of an election by the people a man's merits and demerits are pretty fairly beaten out, and next to appointment by the provincial authorities I think that would be best. Election by the people, however, I think would be involved in a great many difficulties. We have 80,000 voters in the county. In any event, the machinery would be imperfect. The only thing would be that in the course of an election a man's merits and his fitness or unfitness for the position would be pretty fairly presented to the electors. At the same time, I do not think the people would be in as good a position to get at the merits of the man for an office as a more distant authority like the Provincial Government, judging between the candidates who are applying. I do not favor election by the people.

Q. It is said that the county council makes a good selection of officers such as treasurer, and clerk, and it is argued from that that they would make as good as selection for any other number of officers who might be submitted to them for appointment ? A. Well, the county treasurer and the clerks seem to me to be more intimately connected with the council itself than the officers whose names are on this list. The one is a municipal officer, the others are really provincial officers.

Q. And outside of the range of municipal duties, the bulk of these officers have duties which are outside the range of ordinary municipal functions ? A. It seems to me so.

Q. The argument that if they can appoint municipal officers well they could also appoint these officers well would hardly argue the like success in appointing these officers connected with the administration of the law ? A. No; it seems to

me that the position of treasurer or clerk is more nearly related to that of secretary of the school board or something of that kind. Their duties are altogether connected with the council.

Q. Then, as to the compensation, and the manner of payment; it is agreed I suppose that fees should be collected from the persons putting the officers in motion or getting the benefit of their service? A. It seems to me that that is preferable to a salary. In the first place it seems to me that there is more justice in it. John Smith sells a farm to George Brown, and the rest of the community are not interested in it, and I can see no reason why they should pay for it. If George Brown buys the land it is to his interest to have the deed registered and to protect his property. I cannot for a moment see why any of the rest of the community has any right to pay a salary to him.

Q. Then the question is how should the fees be dealt with; should the officer get the whole of them or should a distinction be made at a certain point? A. I think he should get the fees up to a certain point, and that after that point is reached the rest should go to the county council.

Q. Would you favor the system at present in vogue of allowing the officer a certain percentage on the fees he collects over a certain amount? A. I think that might probably be changed to advantage by allowing the county to have the balance without any percentage. Those fees come from lands that have been to a large extent improved by the rates, in fact their value has been almost created by improvements effected by the county council, and I therefore think that any surplus should go back to those who created the value. The value of the work, however, differs with different years. I would be difficult to state an average.

Q. The Government at present allow the officer a percentage on the theory, I suppose, that he will be more accurate, alert and prompt in collecting the fees if he has an interest in them, after providing for his salary. Would you favor the abolition of that percentage, and giving him simply a fixed salary, no matter what he collects, or the persent system of letting a percentage go to the officer? A. There are strong reasons both ways. By giving the officer a percentage I think you would make him more diligent in his duty, he would attend to his work better, and see that nothing escaped, but I think in justice that a certain amount should be allowed and that the rest should go to the county.

Q. It is said by some that the officer would do his duty if he gets a salary. Of course, a perfect officer would, but apart from that it is said that the public at large would be better satisfied if they knew exactly what the officer received without having to reckon up the percentage which goes to him besides. Is there anything in that? A. I don't see any reason why that should have any weight.

Q. Have you anything to say as to the amount that should be allowed to these different officers out of the fees, supposing they reach more than a fair living salary? A. I think they ought to be allowed a fair salary. For instance, there are very heavy responsibilities resting on the registrars. They must get out their abstracts right; if they make a mistake they are responsible for it. I do not think the amount of salary should be regulated by the actual amount of work they do, but the responsibility ought to be taken into consideration. The same applies to sheriffs; they have very heavy responsibilities. If they take a false step they are responsible and I think all these things should be remembered in fixing the amount of their remuneration. I think that there should be a minimum salary of at least fifteen hundred dollars or two thousand dollars; I would say two thousand dollars for sheriffs and registrars.

Q. Do you think the sheriff should have a larger compensation than the registrar? A. I don't know, I think the responsibility is about equal.

Q. With regard to Division Court clerks and bailiffs, have you heard any complaints of their promoting or fostering litigation in this county with the object of swelling their fees? A. No; we have heard no complaints of that kind. In fact in our county we find it the other way, the Division Court clerk and bailiffs do not always press things as much as the lawyers sometimes think they should.

Q How many Division Courts have you in this county, thirteen is it not? A. Yes.

Q. Should these offices be combined, of Division Court clerk and bailiff, could that be done with advantage to the public so as to give better compensation to them, or do you know enough about the duties of the office? A. Well, from the solicitor's point of view, I don't see very well how the duties could be as well performed if they were combined. For instance, we have here a very large division in the city of Guelph, and the bailiff is away every day, I suppose, and if the duties of clerk and bailiff were combined the business would be neglected during his absence.

Q. Is there any observations which you wish to make, Mr. Field? A. No; I think there is nothing else.

Mr. Field desires to add to the foregoing, the following: What I wanted to bring out is this: the work in a registry office is far greater one year, perhaps, than another. There may also be a boom at any time. The registrar does perhaps twice as much work as in a former year. How can we regulate this by allowing him so much a year, even if he is paid by fees, except by a percentage on his receipts, varying in the aggregate amount with the work done and with these receipts?

JAMES SMITH, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You live in this county? A. Yes.

Q. Are you in the council? A. I have been in the council more or less for a long time. In regard to the appointment of these officers, I do not at all think they can be appointed by the county council. I do not agree with Mr. Tolten, because I find that the few little offices to which the county council have the power of appointment, cause a tremendous lot of wire-pulling and twisting and praising this man and the next man, and in the end it is just as someone has said here, they take a man on the recommendation of some other man. I think men who are paid six dollars a day are more capable of judging as to the fitness of men for these positions than men who are paid three dollars a day. If they were not better informed men they would not get such a salary, I mean the members of Parliament. Then, of course, the executive chosen from among the members of Parliament is composed of men who are still better able to judge of the merits of candidates for these positions.

Q. The members of the Cabinet ought to be the choice men of the country? A. I think so.

Q. Then you are in favor of the present system of appointment? A. Yes.

Q. What do think about the people choosing them by vote? A. We would have too many divisions. It is quite enough for us to get over a little battle once in four years, without having a battle every year. We are a laboring people, and we should make the best use of our time and not spend it in running elections.

Q. Then about the compensation of these officers, what do you say as to that? A. Well, I say they should not get too large a salary. I think they should be working people like bank managers or solicitors or the head of a firm.

Q. Is there any complaint in this county, or that you know of in any other county about the registrars not devoting so much time to it as they should? A. Well, no; not that I know of. You will hear a good deal of grumbling on the part of the people who do not understand these things.

Q. You think the registrar ought to give his whole time and attention to the office during business hours? A. I say that. He should get a good salary, but he should not get enough to keep him from doing a certain amount of work himself, and whatever reasonable assistance he required he should get.

Q. Are you in favor of paying the registrar a fixed amount? A. I think I would pay him partly by salary and partly by fees; I would give him a small salary and then apportion the fees so as to make his salary up to say $1,300 to $1,500, or something like that.

Q. What would a small salary be? A. I would give him about the half of that in salary and the balance in fees, I think it would have the effect of making him work.

Q. You think then that giving him a percentage of the fees would make him more diligent? A. I think he would have no bad debts. By all means I would make him responsible for bad debts.

Mr. Mason: Q. Do you think that percentage should be fixed, or should it be on the sliding scale; in other words should it be ten or fifteen per cent. and done with instead of a sliding scale where the fees exceed the limit? A. I think he should have a stated percentage, some fixed sum.

Q. It is said that as a rule the farmers do not understand how the sliding scale works out; it ends in larger figures than they anticipate? A. Yes.

Q. If they know it is $1,200 a year and ten per cent. on the surplus, they can calculate that much easier than the other? A. Yes. I would like to say that those parties who receive the highest salaries, that is $1,500, should not be engaged in any other business, they should devote their whole time to their office, and be the working head of the office.

The Chairman: Q. Are you in favor of these officers keeping aloof from politics; should they not give up all active politics? A. It is hard for a man to give up active politics, the old Adam will come out.

Mr. Mason: Q. Would you disfranchise them? A. No

The Chairman: Q. Is not it desirable that they should abstain from active politics? A. It would be better, but still I would not deprive any man of his vote or his right to discuss things freely; he should not go out on the stump from one county to another, let him stay in his own county.

Mr. Brooks: Q. Have you any reason to believe that those appointments have been made for party services? A. No, sir; I believe the appointments have been made faithfully and wisely.

The Chairman: Q. What do you say as to the compensation of sheriffs? A. The sheriff's position is different altogether from that of the registrar of deeds. The sheriff, as a rule, is a man that comes across the meanest scrubs of the country, and he should get better pay for his work. The registrar has to do with the cream of the country, and the sheriff with watered milk. He should be better paid.

Q. At what rate would you put his salary? A. I would give him two thousand dollars anyhow, perhaps a little better than that. He has a great deal of risk to run, and a great deal to do with contentious people.

Q. He has unpleasant duties to perform? A. Yes; very unpleasant duties.

The Chairman: Q. Are you acquainted with the other officers? A. Not very much.

Q. Are you able to speak regarding county crown attorneys and clerks of the peace? A. I do not think they should get as much as the sheriff, because that officer can give his attention to other duties; I think they have private practice.

Q. Then have you anything to say about Division Court clerks and bailiffs? A. I think they should be paid by fees alone.

Q. That is the way it is now? A. I believe that is the right system; I do not think I have any right to subscribe for my neighbor who is not a law-abiding citizen.

Q. And do you think they should receive all the fees they get? A. They should receive enough to pay them for their labor.

Q. I understand there is very little done in the Division Court now? A. No; of course, the less the better; I think the time is not far distant when our Division Court clerks will have to hunt another job. I don't think they get any too much now for their services.

Q. Are there any other officers you want to speak of, license commissioners, for instance, what do you say as to their manner of appointment? There has been something said about them? A. I think the Government should appoint them.

Q. Do you remember the time when they were appointed by the councils, and what led to the change? A. Yes; I think it is a better system now than we had at that time.

Q. Is there any complaint about their manner of working now? A. Well, there is complaint about all men.

Q. I mean any reasonable complaints? A. Not that I know of particularly.

Q. Of course, there will always be complaints about the way license commissioners work? Yes; you will find complaints about our preachers and teachers and every one when there is really no reason to grumble. There are two classes of people, progressionists and obstructionists, and of course, one is always finding fault with the other, but as a rule I think we are pretty well satisfied here in our district. I do not see that we can do anything better than somewhat reducing the salaries of the most highly paid officials.

HENRY G. BLEEKER, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are ex-warden of this county? A. Yes.

Q. Where do you live? A. I live at Frankfort, in the township of Sydney. I am also an ex-reeve.

Q. Has there been any discussion in your part of the county? A. Very little.

Q. Lately, arising from the Patron agitation? A. Yes.

Q, What do you say as to the manner of appointing any of these officers? A. I approve of the present system, if there was a fair distribution of the offices among the farming community. Judging from the facts in this county, the farmers have never had a fair distribution of these offices. That is the only reason I have for objection. The present system is the best to get good men and avoid friction.

Q. Do you think that the offices would be better distributed if the county councils appointed the officers? A. No; I am not in favor of that. If there is to be a change I think it would be better to have election by the people. I think the farmers would have a better chance then.

Q. Then you would have the officers appointed for short terms, so as to give a good many people a chance in their turn? A. Not very short.

Q. What length of time would you have? A. It strikes me that life elections would not be fair.

Q. Or during good behavior? A. During good behavior; or for ten years.

Mr. HOBSON: Q. If distribution were made more fairly you would not advocate a change? A. I would not advocate any change. I think it is better the way it is. That is the only reason; that the farmers do not get a fair share of the patronage.

The CHAIRMAN: Q. Do you think that if the county councils were asked to nominate candidates from people competent for the different offices when there was a vacancy that that would remedy the matter at all? A. No, I do not.

Q. Would not they be likely to nominate men from their own ranks? A. Our county council has been almost like a Parliament. The two political parties divided; and the strongest party would nominate men for the position.

Mr. ROBINSON: Q. But so it would be if the people had the election? A. It would give a candidate a better chance to come in contact with the people.

The CHAIRMAN: Q. How would you work an election amongst your fifty or sixty thousand people; for sheriff, for instance; how would the candidate work it so as to come before the people? A. I have not given that matter consideration. I have thought very little of it.

Mr. MASON: Q. Would the Patrons use their machinery that they have at present to endeavor to elect farmers, in order to get a candidate for one of these offices? A. I don't know.

Q. How would the candidates get before the people; what machinery would be used; with such a large constituency there would have to be some sort of machinery? A. Legislation would have to pave the way towards it, I suppose.

The CHAIRMAN: Q. Men would not spontaneously rise up and say that they were candidates? A. No. There is always a feeling amongst the farmers that a lot of men are entitled to a position when it becomes vacant, and it is not hard to ascertain who is the best and most popular man, the best entitled to the position.

Mr. MASON: Q. You think it would naturally tend to some particular person? A. Yes.

Mr. HOBSON: Q. The office being a good one, would not there be many candidates? A. Possibly so.

Q. Then I suppose the merits and qualifications of the candidates would have to be inquired into in the ordinary way by holding meetings. Would not there be a good deal of turmoil? A. I think there would; and I approve of the present system except for the reasons I mentioned.

The CHAIRMAN: Q. As to the manner of paying these officers, can you suggest any change in the present mode? A. No; I think the fee system the best.

Q. Receiving up to a certain amount? A. Yes. There are counties where the fees of the registrar and the sheriff should be reduced. Where there is less business to do I do not think it is necessary to raise them.

Q. Do you think that the present scale of fifteen hundred dollars for the registrar and two thousand dollars for the sheriff is too high? A. As a salary?

Q. Yes. A. No; I do not think it is.

Q. You would not be in favor of cutting down to the lowest point? A. No; I think it would be difficult to get first-class men if that were done.

Q. Do you think that the county councils should appoint the Division Court clerks and bailiffs? A. No; I think it would be a mistake. The appointments might be made in a partisan spirit. Then the whole county council is too unwieldy to make suggestions.

The CHAIRMAN: Q. I am glad you mentioned that. There are thirty-eight of them. They would not act with such a sense of responsiblity as a smaller body would? A. If a vacancy occurred there would be a number of applications for it, and every applicant would have his friends. Perhaps the best man would not always be chosen.

Q. And they would saw off—divide up, or compromise in some way? A. Yes. I think in regard to the license inspector it would be a very serious mistake to take his appointments away from the Government, from whatever Government is in power. I have been acting as license commissioner, and I have come in contact with the business in that way, and I am satisfied that if the appointments were made by the people it would be a serious mistake. I do not see how you could manipulate the business and carry out the law. The inspector would not be an independent man at all; he would not do his work independently.

Q. Do you favor all government officers abstaining from active interference in politics? A. Largely. They ought to have the franchise, but they ought not to take an active part in politics.

Q. In a conspicuous way? A. No.

Mr. ROBINSON: Q. Your principal grievance is that the farmers do not get more of these offices? A. This county is made up of a lot of farmers; and Belleville, Deseronto, Trenton and Madoc Village are the only places where there are any lawyers, but the farmers hold none of the offices which are given to the people.

Mr. BROOKS: Q. The cities and towns have monopolized all the offices? A. Yes. We think that we have men in the townships who would be eligible as far as ability and education are concerned to fill the position either of registrar or sheriff.

The CHAIRMAN: Q. How would you recommend the Government in power to get information of competent persons? You complain, perhaps justly, that these offices are confined to the people living in the cities. How would the Government get possession of the knowledge of the men competent? A. I know no better way than the way they do now.

Q. How? A. By the member, and the local patronage.

Q. That, then, I suppose, is one side of politics only? A. It would be anyway.

Q. You do not see any way of getting rid of that? A. No.

Mr. ROBINSON: Q. Why do not the farmers bring their influence to bear upon their representative and get justice done to their class? A. There is nothing to hinder.

Q. They have not got the necessary chief, I suppose? A. There is something in that.

T. S. SHENSTON, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Q. You are the registrar for the county of Brant? A. Yes. I have been such for nearly forty-two years; I was the first registrar for the county of Brant.

Q. Was it then a district or a county? A. The county of Brant was made up out of parts of three counties, viz., Oxford, Wentworth and Halton.

Q. Has the business of your office been increasing steadily? A. Yes; up to some four years. Since then it has decreased. A few years since I required besides my deputy, two copyists.

Q. Have you a deputy now? A. Yes; I have always had one.

Q. With occasional assistance? A. Yes.

Q. What do you think is the best manner of dealing with the assistance you require in your office? A. I know no better way than letting each registrar choose his own assistants and to pay them according to what they can earn. Any other way, I think would be open to grave objections.

Q. It is said that in some cases the assistants are not sufficiently paid? A. I give my male deputy $14 and my female deputy $4.50 per week.

Q. I suppose she is not continually employed? A. No; only occasionally.

Q. Do you think there is any reason for making a change in the manner of appointments so that the office shall be under municipal control? A. At my age no change could affect me personally, I am most confident that it would be greatly to the injury of the public at large to take the appointment out of the hands of the Government. Some, I am aware, are anxious to have the privilege of voting for the registrar every four years. Had such been the law at, and since my appointment, there would have been no less than eleven different registrars and bondsmen within that period. If registrars were elected for life, but few electors would live to cast more than one such vote in a lifetime. My bonds are never given up by the Government, and I am questioned respecting them by the inspector year by year, and in event of the death of a bondsman another is immediately supplied. Self and bondsman are unitedly worth over $100,000. Had a new registrar been elected every four years during the period I have held the office, there would have been eleven sets of bondsmen to cover the period of mine. It would be difficult to obtain redress for an error made in some entry twenty or thirty years ago, from the bondsmen of that period.

Q. So there is an effective renewal of it every year? A. Yes; and the security is continued in that way. When I first came here the office hours were from ten until three, and I found the inconvenience of that, and I have had my office open from nine o'clock until five without any exception, and I know it is a very great convenience. Many tell me that.

Q. And during those hours are you able to do all your office work? A. We do not work overtime.

Q. I mean in the way of copying? A. I have never asked any clerk in the office to work after hours. I get additional assistance. As a rule I receive the instruments for registrations myself and endorse thereon the time received. At 4 o'clock my deputy enters them in "Entry book". First thing on the following morning they are entered in the "Abstract Index book", I reading them over and the deputy copying. They are then copied in the libers and then read over by my deputy and checked by myself from the originals. Every instrument goes through this process in this manner.

Q. So you are the working head in the office? A. Yes. I am very seldom absent during office hours.

Q. Does it require the whole time of yourself and deputy to discharge the duties of the office? A. My deputies do all the copying and make out the abstracts. I am such a poor writer that I never copy any myself. I am always in the office to receive, compare and sign every document and abstract.

Q. Have you ever sustained any losses through errors? A. To the extent of two dollars only.

Q. In forty-two years? A. Yes. A party got an abstract which did not show a certain mortgage discharged and consequently a bargain which was about to be made fell through. And it gave the party some trouble. I asked them to say what the damage was and they said two dollars, which I paid. On another occasion, my clerk had omitted to mark the page to which an abstract account was continued, and it was found out that a five hundred dollar mortgage had thus been left out of the abstract. I purchased the mortgage. Those are the only two instances I know of.

Q. Is there any other matter regarding which you would like to speak of which I have not asked you? A. Take the release of a mortgage, the charge of

fifty cents is sometimes complained of, there is a very long process in connection with these discharges. Last week I took two reeves of the county through my office and showed them the work necessary to pass each instrument through the books, and they expressed their surprise at the amount of work to be done. May I bring the books and show the entries necessary to be made in recording a discharge of mortgage, for which we receive a fee of 50 cents.

The CHAIRMAN: You can name them. A. First, I see that it is properly executed, and endorse thereon the exact times of its receipt. Second, enter it in the fee book. Third, find out the lot covered by the mortgage it is intended to discharge. Fourth, enter the same in "Entry book". Fifth, copy the whole, including the affidavit, in full in the proper liber, and write certificate as to exact date of registration in the margin. Sixth, read over the same carefully, comparing the same with the original. Seventh, note that it has been compared. Eighth, turn up to the mortgage it discharges and note on the margin the date of its discharge. Ninth, enter it in abstract index book. Tenth, in the abstract index book mark the mortgage discharged. Where the mortgage covers several lots adds much to the labors and responsibility. In regard to the question of salary or fees, I cannot but think that fees are in every respect preferable. There are hundreds of landholders within the county who have not paid me a cent for registration fees for the last 20 or 30 years, while there are others who pay me $15 to $20 each year. The latter are land speculators.

Q. The question is whether the officer shall receive the whole of the fees or receive a salary out of them? A. My total net fees last year were $2,101.75.

Q. What do you pay to the city and council? A. I pay a percentage of from 10 to 50 per cent on the gross fees over $2,500. I pay my male deputy $15 and my female deputy $4.50 per week. In making out the abstract indices in 1866 the allowance was 5 cents per entry, but in no case was the total sum to exceed $2,000. This being an old county my account exceeded this sum by $1,680, but have never been paid any portion of it nor do I expect to be.

THOMAS MARTIN, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are mayor of Mount Forest? A. Yes.

Q. You have been in the county a good many years? A. All my life.

Q. What do you say as to the appointment of the officers under consideration? A. My opinion is that Government appointment is the best, although it is my opinion that many mistakes are made even in the Government appointments. I do not see, however, that we could improve matters by any other system that I know of. I have been thinking over the matter, and I cannot see any better system. In answer to the second question, "Do you approve of the appointment of any, or all, of the above officers being in the hands of the Provincial Government?" Yes; I approve of it on these grounds, that nothing better has been proposed.

Q. What was proposed was the appointment by the county councils or election by the people, those are the only two alternatives? A. As against those two, I certainly say Government appointment.

Q. What are the evils to be guarded against in those systems of appointment? A. One evil in the present system of appointment arises out of politics. I suppose no one but a party politician is appointed, and the appointments are

very often from the local representatives, and I think that evils arise out of that. The man probably that works hardest at an election, whether he has brains or not, gets the position.

Q. That is an evil arising out of the party system? A. Yes.

Q. Do you think the same mischief or one-sidedness would prevail if the appointments were in the hands of the county council, or if the officers were elected by the people? A. Yes; I think to a greater extent. I cannot see that anything could be gained, indeed, I think it would be a great injury to leave it to the popular vote of the people. The next best thing to Government appointment would be appointment by the county council, but the moment it was put into their hands the elections would probably be run on that score for representatives to county councils. That would at once come into our municipal elections. The county officials at the present time appointed by the county councils are good. The number of county officials at present is so small as not to constitute a factor in the election. But as soon as a greater number of officials had to be appointed by the councils, that would become a factor in the elections, and there is no knowing what harm it might cause.

Q. Has there been much discussion in your part of the country about the manner of appointment, or about the amount of salary, or either of those subjects? A. Yes; since the Patrons have taken up their platform there has been considerable discussion.

Q. That is quite a recent agitation? A. Yes.

Q. And I believe they are not agreed themselves? A. No; they do not seem to have anything definite.

Q. There is just a general dissatisfaction apparently with something, but the question is, to find out a substitute? A. Yes; to find out something better.

Q. I suppose if we could do away with the party system it would be all right? A. That would follow from what I have already said.

Q You think if the selection were turned over to the councils that the party question would arise there necessarily? A. I am not sure; I would not like to say that politics would come in, but I believe that the people looking for these positions would make it their business to get their friends to work for them, to put men in who would appoint them, and I think the evil would be greater than at present.

Q. You know the American system of electing officers for a certain short term of years; do you approve of that? A. No.

Q. Then as to the manner of paying these officers, how do you think that should be managed? A. I would favor paying all the provincial appointments just as the judges are paid, by salary.

Q. Would you have fees collected? A. Yes; my idea would be to collect fees from each source to pay itself, keep them separate.

Q. Fund the fees from different sources? A. Yes; and out of that pay salaries.

Q. Do you favor the present system in the case of registrars, whereby they get the fees to a certain amount and after that have to collect them for the municipality, and are allowed a percentage; do you favor that system of percent-

ages? A. No; my idea would be to fund the whole revenue, and to pay each of these men a direct salary, and that they should get nothing more than the salary.

Q. What do you think is the advantage of that? A. I think it would in many cases be much fairer to the people. There would be less danger of exorbitant charges.

Q. Would the people be better satisfied to know exactly what the officer is getting rather than to have it paid in fees? A. Yes; I believe it would satisfy the public better. The people would know exactly what they were getting.

Q. Have you considered the question of how much the different officers ought to get? A. I would certainly pay these men, who are in positions of trust, and have a good deal of responsibility, a good salary; I have not looked into the matter sufficiently to be able to say the amounts.

Q. That would depend, I suppose, on the circumstances, according to the amount of work, the fees collected, and the extent of the county, all these things would have to be taken into account? A. They should all be taken into consideration. I certainly think these men should have a fixed salary over and above their disbursements. I know that is where a difficulty might arise again, to keep the disbursements down.

Q. You think in different counties there should be differences of salary, or do you think it would be expedient to have one fixed salary for the different officers in different counties? A. No; I would have different salaries. I would run something on the same system as the management of a bank with their branches, they grade the salary according to the importance of the office.

Q. You think that business principles could be safely introduced into this? A. Yes; take the managers of our banks in the country. They receive from $900 to $1,500 in a good sized town, perhaps $1,200 would be the average, and I think that would be a very sound way to fix these salaries.

Q. You would grade the sheriff on the footing of the manager of a local bank; do you think he should have the same remuneration or larger? A. I am speaking now more of the registrars.

Q. You rate the sheriff as an officer of more responsibility than the registrar? A. Yes; I think that would be fair.

Q. And according to the responsibility you think the salary should increase? A. Yes; I think that is the rule in all business institutions.

Q. Then as to county crown attorneys and clerks of the peace, one officer fills both of those positions in this county? A. I do not know enough about them to answer your question.

Q. As to Division Court clerks and bailiffs, is there any complaint of the way their work is done? Do they extort fees? A. I suppose they do in some cases, but it is small amounts.

Q. Have you heard of any complaints? A. Yes, I have. I have heard some small complaints, but I do not know whether they are well grounded or not. People sometimes complain without any reason. I had one or two cases myself in which perhaps I had a little reason for complaint.

Q. What was the nature of the grievance complained of generally? A. It was that the bailiff carried the papers connected with a party that I wanted to have before the court, in his pocket until after the proper day. He did not serve the papers in time, probably to suit the party. It was a court some distance from ours.

Q. He delayed trial? A. Yes; he delayed the trial and the man then left the country.

Q. Then he was not zealous enough in his duty? A. Exactly so; I suppose in any case these things will happen whether salaries are paid or not.

Q. Have you reason to believe it was intentional? A. I believed it so strongly that I had a letter written to report the party. I believe it was intentional.

Q. And that the bailiff received some consideration? A. I would not say that he received any consideration, but I was told that this party was quite a friend of his; he was living in the same town. It was a piece of favoritism.

Q. Well, the person injured there should have complained to the inspector. There is a provision for reporting such cases at once, and I hear that a remedy is applied in all such cases? A. I am merely citing this case because you asked the question. Of course that might arise in any case, no matter how appointments were made.

EMERSON WARNER, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are the reeve of Roxborough? A. Yes.

Q. Have you been many years in the council? A. I have been about twelve years altogether.

Q. Do you favor having a professional auditor, a chartered accountant, to take part in the audit? A. Of municipal accounts?

A. Yes. A. Well, I cannot say that I consider it necessary.

Q. You think that the audit can be made without him equally well? A. We have got along pretty well always without it.

Q. What is your expense of auditing your township accounts? A. Ten dollars a year.

Q. With regard to the appointment of the officers, have you seen this list of questions? A. I have not.

The CHAIRMAN: There is one before you. You know generally what we are in search of.

Mr. HOBSON: Q. You say you do not think it necessary to have a chartered accountant. What about the county accounts? Do you think that the average auditor appointed by a county council has sufficient knowledge of the work to be depended upon? A. No.

Q. The township council is a very simple matter; but the county accounts are a very different thing? A. Yes.

Q. And you consider it desirable that there should be an expert auditor, a man who has made that his business? A. Yes.

The CHAIRMAN: Q. You think it an advantage to the council? A. Yes.

Mr. HOBSON: Q. You think it desirable that there should be a thorough audit, either by the Government or in some other way, of the registrar's accounts too, do you? The county council has a limited interest in the registrar's accounts, because of getting a proportion of the surplus. What do you think? There is an actual difference between inspection and the regular audits. A Government inspection deals with the totals. Do you think it desirable that a thorough audit should be made? A. Yes; I think there cannot be too much care and pains with the auditing of those larger institutions. It is very important that they should be well audited and looked after.

The CHAIRMAN: Q. As to appointing the officers, the registrars and sheriffs and county attorneys and so on, what do you think as to the way it should be done? A. Well, for any knowledge that I have just at present, the mode of appointing the sheriffs by the Government I think has worked very well.

Q. You would not make any change as to that? And as to the registrars? A. Well, the appointment of the registrars I would look at somewhat differently.

Q. What change would you suggest as to them? A. I favor the appointment of those by the county council.

Q. As better than the present system? A. Yes.

Q. Are there any other officers that you would have appointed by the county council? County attorneys, clerks of the peace? Perhaps you do not know as to the deputy clerks of the crown or the local masters, you have not sufficient knowledge about them? A. I have not.

Q. You know generally as to county attorneys, that they have the prosecution of criminals and the administration of criminal justice generally. What do you say as to them? A. I think that they should be appointed by the Government.

Q. You would leave their appointment as it is at present? A. Yes.

Q. And the appointment of Division Court clerks and bailiffs; would you leave that as it is? A. Yes.

Q. So that of all these officers that you know about, registrars are perhaps the only ones in regard to which you would favor a change? A. Yes.

Q. Then kindly say why you think a change would be better as to registrars. Would you get better officers or would the change be beneficial in any other way? A. I think that appointment by the county would give more satisfaction to the people.

Q. In what way is there dissatisfaction now? I would like to know where the shoe pinches, what is the trouble? A. Well, perhaps my reasons are necessary to be known by the Commission, but sometimes one does not like to be too outspoken.

Q. Is it because there is political influence? A. That has something to do with it.

Mr. Mason: Q. Is it because the councils want the patronage, or because they want to have something more to say regarding the salary? A. The salary would probably have more to do with it than the appointing.

Mr. Hobson: Q. Do you think that the county councils would be likely to appoint as good men? Would they consider whether candidates would possess the necessary qualifications? Would not local influence crop out—sectional influence—it might even be political influence, do you think that would not be likely to crop up in the council? I ask as an old county councillor myself? A. From experience I have noticed that our county council is very particular in making appointments.

Q That is, in considering the qualifications of the parties for the special work required to be done? A. Yes.

The Chairman: Q. Why would you put the registrars in the hands of the county councils and not the Division Court bailiffs, for instance?

Mr. Mason: Q. Do you think so because the registrar is getting more than you think necessary, while the bailiff perhaps does not get any too much for the work he does? A. I do not consider that bailiffs are overpaid for their work.

The Chairman: Q. Why is it you think that a county council could deal with the one, while you would leave the other as it is? A. Well, I have heard more complaints through the country against the registrars than against any others.

Q. Are those complaints about the little work that he does and the high pay that he gets? A. That is about it. They are considered too highly paid for the work they do.

Q. For these united counties you have three registrars. Do you think that the united counties could be served with fewer officers, or would you still keep the three?

Mr. Robinson: Q. Have you had many dealings yourself with the registry office? A. Not a great many.

The Chairman: Q. Do you think that the public are better accommodated with three than with one? A. No doubt each county would prefer to have its own registrar.

Q. You could not do away with them now? A. Not very well.

Q. You could not unite or reduce them? A. No.

Q. Having the three officers, what do you think would be a fair amount to pay the registrars, as compared with what they get at present? What do you think the place is worth? A. I consider that if a registrar gets as much salary as we pay out treasurer, he gets enough.

Q. How much is that? A. Nine hundred dollars.

Mr. Hobson: Q. What security do you take; for what amount? A. Ten or twelve thousand dollars.

Q. What does ten or twelve thousand dollars cost?

Mr. Mason: One hundred and twenty dollars a year.

Mr. HOBSON: Q. Then unless friends go security for him, you reduce his salary to $780. And you would think that a registrar should get $780? A. About $800.

The CHAIRMAN: Q. Then on that basis the registrars are now paid nearly twice too much? A. Yes.

Mr. MASON: Q. In this county you have not much to complain of. In Dundas the amount is $816; Glengarry $1,040; Stormont $972. These are the salaries of the three registrars? A. We were under the impression that they got more than double that.

Q. Here is the Government return for last year. Perhaps you were thinking of the cost of the office altogether, with assistants? A. I mean the registrar to do the work that should be done for that amount.

Q. And pay his assistants out of it? A. If he is not disposed to do the work himself. I am not willing to have a man paid $800 for doing nothing.

Mr. HOBSON: Q. Is it not necessary that there should be a deputy in the office? The registrar may be called away, may have to attend court. He is not allowed to send documents by mail. He might have to attend court at Cornwall, say, and might be kept here for two days. If there were no deputy, then the office would have to be locked up. So that it appears imperative that there should be a deputy, even if there is not full work for both.

The CHAIRMAN: Q. What is the expense of the office here, apart from the amount received by the registrar?

Mr. MASON: In Dundas, the total receipts were $1,426; paid assistants in the office, $610; net receipts, $817. Glengarry, total receipts, $1,360; paid assistants, $320; net receipts, $1,040. Stormont, total receipts, $1,730; paid assistants $763; net to the registrar, $972.

Mr. HOBSON: You see, that is not very much above the figures that you named.

Mr. MASON: Except that Mr. Warner thinks that there is too much allowed for help.

The CHAIRMAN: Q. If these are necessary disbursements having passed the scrutiny of the Government, your registrar does not get so much out of the way in his salary of $972? A. No; but our people complain a good deal about the fees being too large. It costs them too much to go in and see an instrument.

Q. It costs them too much for a search? A. Yes.

Q. It is twenty-five cents? A. Thirty-five cents.

Mr. HOBSON: Q. Do you think that it is too large yourself? A. Rather.

Mr. ROBINSON: Q. It depends upon the nature of the instrument.

Mr. MASON: I think it is twenty-five cents. It is, up with us.

Mr. HOBSON: That is the regular fee.

The CHAIRMAN: Q. Then if the county councils had charge of the registry offices it would be necessary that they should regulate the fees too, according to what you have been representing now, in order that they might control the

revenue received? A. Yes. We consider that in some cases our county councils have not the power that they should have to act.

Q. Then you want the county councils to control the way of doing business and the scale of fees? A. Yes.

Q. It would not be sufficient merely to make the appointment, if you had not the control of the method of doing business and the scale of fees? A. There is a feeling that we are being a little put upon as a county council, as the men who represent these united counties, some forty in number—that our power in that respect is too limited.

Q. That your power in respect to registry offices is too limited? A. Yes.

Q. What in relation to power do you think you should have? A. We consider in relation to the last expenditure put upon our registry office building here, that we were not used as we should have been by the inspector of registry offices.

Q. That is, that the cost was too great? A. Yes. We sent the county property committee to investigate as to what repairs were necessary, and they reported to the council, what expense they thought should be put on for repairs. But this report was not noticed at all by the inspector. He came on, and ordered so and so to be done; and it looked as though we might as well not have had any committee or have done anything.

Mr. Robinson: Q. Did he consult with you before doing it? A. No; he did not, not to my knowledge.

Q. Who is the inspector?

A Commissioner: Mr. E. F. B. Johnston.

Q. When was this? A. Last fall.

The Chairman: Q If the Government were to take charge of the building and expenses, not requiring the county to supply books or put up the building, but do that themselves, and take the burden from the shoulders of the council; how would that do? A. Well, this giving of evidence has come upon me unexpectedly. I did not understand the nature of it until I came here a few minutes ago.

The Chairman: We don't want to press you.

Mr. Robinson: We are glad to have your opinions.

Mr. Mason: If you are not prepared on any of these points, there is no desire on the part of the Commission to embarrass you at all.

Witness: I see that. Some of these things I would like to give a little more consideration to.

Mr. Robinson: I see that you have made considerable expenditure on your registry office, about $800.

Witness: And we are still pressed for files. About $500 is asked of us for files and things of that kind. We feel that we are a little burdened by this expenditure.

The Chairman: Q. There was no surplus from the office at all? A. No.

Q. No revenue from the office to the municipality? A. None.

Mr. ROBINSON: Q. Did Mr. Johnston see the report of the county council? A. I do not know.

Mr. HOBSON: Q. Of course, the county offices are allowed to get very much out of repair. In Wellington our county council made the mistake of letting the building get into such a disreputable state that a large amount had to be expended upon it. Sometimes county councils will allow offices to get so much out of repair that a large expenditnre has to be made; and it is clearly the duty of the inspector to see that the office is up to the requirements of the Government.

Mr. ROBINSON: One would think it the duty of the inspector to have a conference with the county council.

WITNESS: He had no consultation with the committee; because I was one of the committee.

The CHAIRMAN: Q. There should have been a conference, because there might have been an agreement.

Mr. BROOKS: Q. You thought he acted in an arbitrary way? A. Yes.

EDMUND TOLTON, by request of the Commissioners appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Have you been in the municipal council? A. Yes; several years, seven or eight years.

Q. Have you formed any opinion as to how these officers should be appointed? A. I am in favor of their appointment by the county council.

Q. For how long would you have them appointed? A. During good behavior.

Q. All of the officers? A. With two or three exceptions.

Q. Would you go any further, would you include the county judges? A. I think not.

Q. Why do you draw the line at the judge? A. I don't know that I could give any sufficient reason, but I would draw the line there.

Q. Would you favor appointing the post master by the council? A. No; not post masters.

Q. Why not? A. The county contributes nothing to the sustenance of the office.

Mr. MASON: Q. Don't the people pay postage? A. They do; of course they pay postage.

The CHAIRMAN: Q. In the case of the Division Court clerk, the man who sues or the man who is sued has to pay, it is not the people who pay the fees. I want to see why you make the distinction? A. Well, I am not prepared to give a sufficient reason for that. I have not given that any consideration.

Q. Do you make any distinction between officers appointed by the Provincial Government and those appointed by the Dominion Government? A. I would make no material distinction.

Q. Would you look at the officers that are working in a certain locality, and if they are what you call local officers you say the county council ought to appoint? A. Yes; I would favor that system.

Q. Why do you favor that in preference to the present system? A. I have no better reason to give for that than the appointments in our own county. I think the county appointments are just as good as the Government appointments, the treasurer and the clerk of the county.

Mr. HOBSON: Q. Do you think they are better than the Government appointments? A. I would not like to put it so strongly as that, but I say they are equally as good.

The CHAIRMAN: Q. Why, if there is no advantage to be gained, would you make the change? A. To get the more direct voice of the people through the council. The council answers to the people once a year.

Q. How do you make out that they are more directly answerable? More directly identified with the people than the members of Parliament.

Q. Members of Parliament are directly identified with the people, they are elected to represent them? A. Yes.

Q. But you think the council are more nearly connected with the people? A. I do.

Q. Why would you not give it to the people themselves, if you want to get as close to the people as you can, and let them elect? A. I would not favor election by the people, that would be too cumbersome. The more officers that are elected the more expense it entails.

Mr. MASON: Q. It would be only so many more names on the party paper? A. Yes.

The CHAIRMAN: Q. Has there been any discussion in your neighborhood or locality as to whether the appointment should be made by the Government or by the people? A. Not so far as I know.

Q. This is a new question as far as you are concerned? A. Yes; I have not heard it discussed by anybody publicly.

Q. You are in the council; has it been up there? A. No.

Q. How many members are there in your council? A. Thirty-six or thirty-eight in the county council.

Q. Do you think thirty-six or thirty-eight people making an appointment would be effected by as great a sense of responsibility as where only four or five were making it? A. I do.

Q. Don't you find that if you increase the number of those making the choice the individual responsibility lessens? A. Well, we are all apt to try and shoulder the responsibility on the other fellow.

Q. If you have a large number making the choice, is there not a different feeling? A. If there is a large body there is apt to be. That is one reason why I object to the people electing them instead of the council appointing.

Q. But you think the county council has just about the right number? A. I would not like to say the county council has the right number, but it is nearer to the right number.

Q. You prefer thirty-six or thirty-eight to six or seven? A. Yes; or to ninety or ninety-four.

Q. Do you think the county council would unite on the best man, or would they divide according to localities, and so divide the patronage among the different members of the council? Would they all vote on the merits of the candidate irrespective of locality? A. I think so.

Mr. HOBSON: Q. They divide up on sectional lines in nominating the auditors, for instance? A. Yes; and other bodies do the same thing.

The CHAIRMAN: Q. Yes; I suppose the council is subject to the same infirmities the Government might be in making the choice? A. Yes; the good men are not all in one spot or in one party.

Q. Why do you think it would be an improvement to give it to the county council? A. I have a suspicion that the appointments by the Government are made largely through the influence of the sitting member of the county in which the appointment is to be made.

Mr. HOBSON: Q. He is the choice of the majority of the people? A. If he recommends a good man it is all right.

The CHAIRMAN: Q. Does not the sitting member know who is a suitable man, has not he a knowledge of the locality? A. He has not a better knowledge than the county council.

Q. Has he as good a knowledge? A. He ought to have.

Q. Then if he recommends to the Government, if they take his recommendation they shoulder the responsibility? A. Yes.

Q. And if they make a wrong choice the system of responsible Government comes in at once, and they become liable to answer to the people; don't you think that is as good a check as having them appointed by the council? A. It engenders party strife.

Q. And if you had an election of all these officers mentioned by the councils, would not that engender party strife at once in the election of those councillors? A. I have not noticed any party strife in the election of our officers.

Q. Because your choice is limited to two officers. If the appointment of all these officers was taken from the Government and given to the county council, would not it change the election of councillors and cause it to be run on party lines? A. I do not think so. In the election of the warden here we never know any politics.

Q. The warden has to serve local ends of the municipality, but when you come to the sheriff he has to serve not only the people in his particular county, but people all over the province and outside of the province who have claims to make or suits to bring. He has to levy executions at the instance of people outside. You can have the council properly selecting the warden, being actuated by the best possible motives to get the best man to do the work, but that does not apply to their choosing a sheriff, for instance, the sheriff should not be chosen because he is the man who will do the best for the county, but because he will do best for the country? A. He is appointed to do his duty efficiently, whether for the county, the province or the Dominion.

Q. Take the case of a law being passed by Parliament which is not palatable to the people of a certain locality? A. I was trying to answer this question you put to me. I was going to state some of the officers appointed by the county council—that is, the county valuators, who are appointed once in five years—I don't think party politics are ever known in that selection.

Mr. MASON: Q. Is there any salary to that office? A. I think they get five hundred dollars. If there were politics there I did not notice it.

Mr. HOBSON: Q. In that case every individual member was directly interested in the efficiency of those officers and their knowledge of the work. You could hardly fancy any member of the council being actuated by any motive other than an earnest desire to get the best men? A. He should not be.

The CHAIRMAN: Q. Then you would have these different officers we are discussing appointed for life, did you say, or during good behavior? A. Yes; good behavior.

Q. If they were not behaving themselves properly, how would you have the matter investigated? A. I would have an annual audit of all accounts.

Q. That is, as to paying this money directly; but if a man was neglecting his office, absenting himself during office hours, how would you have a thing of that kind inquired into? A. I suppose there are government officers for that business now.

Q. But if the county councils are going to make the appointment, why turn that over to the Government? A. I would certainly have the same strict supervision over the officers exercised as at present.

Q. That is government inspection at present? A. Yes; it is at present.

Q. Then would you favor government inspection of a man who was appointed by the county council? A. I have not said that.

Q. Then what do you say as to inspection? A. I think it should be made by somebody, and of course in the case of the registry office I don't look at the matter as a source of revenue; I think that all the people should have to pay no matter whether they receive direct benefit or not.

Q. You think that people should pay for the inspection? A. Yes.

Mr. HOBSON: Q. Would you prefer government inspection to inspection by the county council? A. I would not object so much to government inspection as to government appointment.

Q. Which would you prefer or recommend? A. I would not like to give a decided opinion on that.

Q. You see it is a question of uniform inspection? A. I have not given that question much consideration.

Q. If the inspection were by the county council there might be lack of uniformity? A. Yes; and it could be done for less money by government inspection.

Q. So you would prefer government inspection? A. From the little I have thought of it, but I have thought so little of it that I am liable to change my opinion.

Q. Another thing is if the Government were to take the view that the man discharged his duties properly and the council the view that he did not, how would you reconcile it? A. That is where the difficulty might come in.

Q. Or vice versa, if the Government thought the man inefficient and the council said he was a good man and they were satisfied with him, and the two bodies were clashing, how would you have that settled? You would have to have some machinery whereby to ascertain which was right? A. Yes; if I give a decided answer I would have to figure some way out of that.

Q. Don't you see that it would increase the expense? A. It would if it came to that.

Mr. HOBSON: Q. Have you thought over this, that in such counties as Brant, Wellington and Wentworth there is a city, and that those cities have a large interest in the appointment? Take our own county, the city of Guelph has an equal, if not greater, interest than the county in the appointment of the sheriff or registrar? A. Quite as much so.

Q. How would you get over that difficulty in the case of county appointments? A. I have not quite got that far, but I think the difficulty could be got over.

Q. In what way would you think, supposing the city wanted one man and the council another man?

The CHAIRMAN: Q. The city would have to give way, I suppose? A. Well, I don't know; there might be an arrangement come to before any appointment was arrived at.

The CHAIRMAN: Q. They would have to do as they sometimes do in Lower Canada—appoint two men and let them share the salary. Then as to compensation, would the council arrange their salary as they do in the case of the treasurer and clerk? A. Yes.

Q. They would appoint the officer, and he would receive the fees out of which he would pay a fixed salary? A. I would favor that.

Q. As in the case of the treasurer and the clerk? A. Yes.

Q. Have you considered the amounts that they should be paid—say the registrar? A The registrar should be paid according to the size or dignity of the office, from one thousand to fifteen hundred dollars.

Q. And the sheriffs? A. From fifteen hundred to two thousand dollars.

Q. Do you know anything of the other officers, the local master, and so on? A. I am not in a position to say much about them.

Q. Do you know anything about county crown attorneys and clerks of the peace? A. I am in favor of giving them a salary instead of fees.

Q. How much would you say? A. I would not like to say

Q. Would you pay the Division Court clerks and bailiffs salaries or let them take the fees? A. I would prefer to give a salary in all cases.

Q. Why do you say that? A. Because if a man has anything to do he should be paid for it, and if he has nothing to do he ought to know the office is worth nothing when he gets there.

Q. How would you fix the amount to be paid Division Court clerks and bailiffs? A. If he was an efficient man he should get equal to what he would get in any other similar calling of life.

Q. It is said that in some divisions the fees of the Division Court bailiff do not come to more than $75.00 a year; in that case would you give him two or three hundred dollars a year, because he could not live on less? A. If they only came to seventy-five dollars I would either abolish the office or give him more money.

Q. But you could not very well abolish the court; you must have a court for a certain district?

Mr. HOBSON: Q. A bailiff generally has some other occupation in life? A. Yes, as auctioneers and so on. But when a court dwindles down so that a bailiff's fees are only seventy-five dollars a year, it is time the division was abolished.

Q. But fewer courts would be more costly, it is the mileage which causes the expense? A. Yes.

Mr. MASON: Q. Whom do you think should fix the fees which are now fixed by statute, if the county council appoints? A. What fees are they?

Q. Those charges to the public for the services rendered in the different offices,—the registry office, the sheriff's office, and so on? A. Well, if the appointments were made by the county, and they ran the office, I should think they would fix the fees.

Q. And not the Government? A. No.

Q. In that case you would have a different scale of fees in every county, would you not? A. You might.

Q. Accordingly as the ideas of the different councils were more liberal or economical? A. There would be that difficulty, no doubt.

Q. I understood you to say that it would be better for the holders of these offices to know exactly what salary they were going to get than to have some doubt about the fees? A. I would prefer it that way if I were seeking an office.

Q. And you think the present holders would not be as well content with the office if they knew at all events what they could charge; you think they would be more likely to be content with the liberality of the county council? A. I could not say as to the officers being content.

Q. You said you thought it would be preferable? A. I was looking at it from the other side.

Q. Do you think, as a matter of fact, that the ordinary council would be as liberal as the present scale, for instance? A. I could not give an opinion on that. County councils are mostly made up from rural municipalities, and the rural municipalities are closer in their views than men from cities and towns. The tendency would be to be lower instead of higher, there is no doubt about that. There is a widespread cry for the reduction of the fees.

Q. Do you think there would be any great agitation at all about this matter, as far as the question of patronage is concerned, if the people's attention had not been directed to what they considered excessive salaries, or in other words, it is the salary question rather than the patronage question that is discussed? A. I don't just exactly understand you.

Q. Which do you think the people consider the most important, the question of who should appoint or the question as to what the amount of the salary should be? A. That would only be suspicion on my part.

Q. Is there any talk about the salary being too high? A. Not in a public way.

Q. Privately? A. Casually you will hear men speak of it on the street. Even the members themselves; some of them say they are getting far too much.

The CHAIRMAN: Q. You said just now there was a widespread feeling that the fees were too high? A. I say among the rural municipalities. The farming community are feeling that way. I do not contend that way in all cases.

Q. In what respect? A. In a general way, nearly all government officials are accused of getting too much.

Mr. MASON: Q. The total amounts for fees are too much, not each separate fee? A. Yes; the total amount seems to be too much.

The CHAIRMAN: Q. You said in reply to Mr. Mason that if the council had the appointment of these different officers the services would still be paid for in fees to the county, who would regulate the fees? A. I think there ought to be a scale of fees for these duties and the officer paid by salary

Q. And the county would regulate those fees? A. If the appointment was made by the county.

Q. Then it would be almost certain that the fees would differ in different counties? A. Most likely it would; I know the various counties pay the clerks and treasurers various amounts.

Q. Don't you think that would be a very serious injury to the present system of government; don't you think there should be uniformity in laws, and that there would be a different tariff of charges for the same services in different counties? A. That might be objectionable; I don't know.

Mr. MASON: Q. Do you think that would be an objectionable result? A. If there was much difference I think it would be objectionable.

The CHAIRMAN: Q. The amount for registering a deed in this county should not be more than the charge for registering a deed in Dufferin or Peel? A. No; but there might not be that difference.

Mr. MASON: Q. You furnish the reason yourself, because in some counties the total fees received are largely in excess of the expenses of the office even after allowing a liberal salary, and in other counties they don't come up even to what would be a reasonable salary?

The CHAIRMAN: Q. It would be regulated by the salaries the counties gave them, if they have penurious notions the fees would be low, and if they were liberal the scale would be higher? A. Yes. If they set a high salary for the office they would not be so penurious about the fees they were going to fix.

Q. So there would necessarily be a difference in the charges? A. Yes, there might be.

Mr. MASON: Q. And the fees would depend largely on the amount of salary given to the officer? A. I think it would have that tendency in rural municipalities.

Q. And you do not consider the postmaster a local officer in the same sense as a Division Court clerk? A. I do not.

Q. What would be the difference? I think you said one was not paid directly and the other was paid directly? A. Well, in a way it is.

The CHAIRMAN: Q. Are not postmasters in country places paid the amount they collect there and not paid by salary? A. It depends on the size of the office.

Mr. HOBSON: Q. They are largely paid by salary.

Mr. MASON: Q. Custom house officers, they are local, collecting duties? I fancy they collect directly from the people? A. They collect from the people more directly than the postmasters. The man who posts the most letters pays the most, and the man who handles the most dutiable goods pays the most in the locality.

Q. Yet you don't consider him a local officer? A. Sometimes the postoffice does not pay expenses.

Q. Don't you consider the administration of the law as general in its character as the collection of duties and the postoffice revenue; is not the administration of the law in the country general and not local? A. Oh, I should suppose so.

Q. Then why do you localize it? What I want you to consider is, in other words, is the administration of the law a general system, a provincial system, or a purely local system carried on as a local matter within the local bounds of each municipality? A. That is from a provincial standpoint.

Q. Yes. A. I should suppose it is general.

Q. Then, if general, why should you localize it? A. In the case of the registrar——

Q. I am not speaking of him, but of the others; from the sheriffs down they have more or less to do with the administration of justice? A. Yes.

Q. And therefore they are general and not local officers? A. I suppose that would be the case—that is, in the case of the sheriff.

Q. The sheriff and the clerk of the peace and the county crown attorney, that would be the case, would it not? There is a distinction between them and the ordinary county clerk or county treasurer in the nature of their duties? A. Well, their duties extend a little further, probably, than those of the county treasurer.

Q. Have they anything to do at all except with matters connected with the administration of justice? A. Oh, I suppose not.

Q. Then why do you put them in the same class as the county clerks, treasurers, auditors, and valuators? Why should there not be a distinction between those two classes of officers, where one is general and the other local? A. Well, these bailiffs of the Division Courts and the clerks, that is as much local as the county treasurer and the county clerk.

Q. Notwithstanding the fact that a great deal of their work comes from the outside? A. County clerks and treasurers have also business with outside points.

Q. The county treasurer receives money collected within the county, and makes disbursements within the county? A. Yes.

Q. And the county clerk records the transactions of the council, and does very little else. Do you think there is not sufficient difference to warrant that being taken into consideration in the question of appointment? A. I don't think so.

Q. I think you have said that you were not very well acquainted with the duties of these officers, with the exception of the registrar and sheriff? A. Yes.

Q. Do you think their duties are generally known in the county council to any extent? A. I do not think it is generally known.

Q. You said they would be better qualified to make the appointment than the Government, who do know all about the duties of these officers? A. I say that it is not known by the people; they do not know their duties.

Q. Is it known by the county councils? A. No; I do not think it is known generally by the county councils. If they had the appointment they would inform themselves.

Q. The reason I ask the question is, would not it occur to you that you would be in a better position to judge whether the county should appoint or the Government if you had inquired into the respective duties of these officers; would not you be then in a better position to give an opinion? A. When I knew exactly what their duties were?

Q. Yes. A. Certainly.

Q. In other words, what I mean by that is this, assuming for the moment you had studied this up, might it not have an effect on you in coming to a conclusion as to whether the county should appoint or the Government? A. Yes, it might.

Q. I was wanting to find out as far as I could the reasons that made you arrive at your conclusion? A. I gave you only one reason, and that was that the appointments by the county council would procure economy and bring the appointment more close to the people.

Mr. Brooks: Q. You think that the salary of these officers ought to be brought down to business principles, that is, a fair amount of payment for the work done? A. Yes; I would not go quite so far as to base it on supply and demand.

Q. But some attach a great deal of importance to the dignity and honor of these positions, and think the country ought to pay for that? A. Oh, well, there is a certain amount of dignity, but I would not want too much.

Mr. Mason: Q. The sheriff, for instance? A. Yes; I would want the sheriff to have some dignity.

The Chairman: Q. You would not advertise for tenders, for the lowest bidder? A. No.

F. MARX, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Have you occupied any municipal office? A. No. I think these officers should be appointed by the Government. I am decidedly in favor of that.

Q. Do you speak of any other officers besides those we have mentioned? A. No.

Q. Then as to the manner in which they should be paid, what do you think as to that? A. I think they should continue to be paid by fees, and if possible the fees should be reduced. If that cannot be done consistently let them stand as they are. I am more conversant with the fees of the registry office, and I do not think they are too high, but I would give the registrar some additional duties. For instance, I would have all writs for fi. fas. registered with him instead of with the sheriff, and that would obviate the necessity of renewing writs and would largely obviate the necessity of getting a sheriff's certificate.

Q. You would have everything affecting lands on record in the registry office? A. Yes.

Q. So that one search on a lot would cover every sort of encumbrance? A. Yes; I believe judgments should be registered with the registrar at a minimum cost same as assignments in the general registry. I cannot see why a registrar should not have the qualification to give certificates as to titles as well as conveyances. A short time ago I sold a lot, a subdivision of another. I usually let my client choose a solicitor to examine the title. I never recommend solicitors. He selected a member of a first-class law firm. Two months later I sold another parcel of the same subdivision and advised purchaser to engage the same party, he having examined the title two months before, and could do it cheaper than another solicitor. Well, it took that worthy lawyer five days just to pass the title. There was nothing to do but to continue the search from where he left off. This cost ten dollars. Now, if the registrar could give a certificate of title under the same responsibility as a lawyer time and money could have been saved.

The CHAIRMAN: Q. That is the Torrens system; that is really introducing the Torrens system in the present registry office. That would not increase the responsibility of the registrar very much? A. Yes; it would simplify matters, and he could do it cheaper. Present high expenditure is a very heavy tax on real estate, and these conveyancers could devote their valuable time to something better.

Q. But registrars in that case would have to be professional men. They would have to be lawyers? I cannot agree to that. A party may be an authority on title without being a good lawyer; in fact, I know some who are. A. As far as I am concerned I would just as soon take a certificate from our registrar or his deputy as I would take it from any lawyer. And why not? It is amusing if no worse, that if one produces a lawyer's certificate as to titles at the office of any of his contemporaries the answer is invariably: I have to examine title myself before I can recommend it to my client, and this ludicrous procedure is repeated on every change of ownership or hypothecation. My opinion of the legal fraternity is too high, else I would believe it is done for the gain of filthy lucre.

Q. You have wills registered with all sorts of provisions, and sometimes they have to go to the court to find out what a will means? A. Yes; but even a lawyer cannot prevent that; he cannot remove a cloud. Then I believe also that the Division Court fees should be reduced. I think there is a hardship suffered by people who stand in need. I would rather make a man a present of a claim of three or four or five dollars than sue in the Division Court. In our own Division Court you have to deposit four or five dollars before you can get a summons issued, and I think that should be reduced.

Q. Well, is not litigation in the Division Court falling off very much owing to less credit being given? A. I do not know; I am only speaking of the few cases I am conversant with.

Q. Then you think as to the manner of payment that fees should be continued? A. Yes.

Q. Do you favor the officer getting up to a certain amount, or would you allow him to have all the fees? A. Only up to a certain amount. I think when the amount becomes too large then the fees should be reduced.

Q. If you could do so; but that would make a difference in the different counties; you could not get a uniform reduction which would apply all over, and it would not be right to charge a larger fee in one county than in another? A. If I understand it right, the officers have a maximum salary now. When that is reached then the balance should go, and they have a small portion of the profits of the proceeds.

Q. You mean that is the way as it is now? A. Yes.

Q. Do you favor that system? A. Yes; I think it is sound in principle.

Q. Is there any other matter? A. I would strongly recommend the appointment of one or more provincial auditors. I have made a study of that subject, and I can assure you if there is any officer we want more than another it is a provincial auditor. The municipal audits are frequently done in a very slipshod manner, hardly ever correctly.

Q. Do you mean a provincial auditor for the municipalities? A. Yes, a public officer; and that officer should have the same authority as a bank inspector has. He should be able to walk in and say, "Here I am. I want to see your books at once."

Q. I suppose you mean like the inspectors of registry offices and public offices, that there should be an inspector of the municipalities? A. I mean auditors appointed by the provincial Government.

Mr. Hobson: Q. You mean not merely to be content with the totals, but to thoroughly audit the accounts? A. Yes.

Q. What accounts? A. All the accounts for the municipality.

Mr. Mason: Q. Would not that require an army of auditors? A. I do not think so. The municipalities are paying for it now, and if they have superior men they will be pleased to receive them.

Mr. Hobson: Q. The amount now paid in the aggregate amounts to a considerable sum? A. Yes.

Q. You would like professional auditors? A. Yes; the municipalities would save the difference in one year or in one way. We have had a little experience here with our county treasurer. There is a petition before the Government asking for royal commissioners owing to serious defective audits.

Q. The municipal councils have not asked for that, and it would be an interference with local self-government? A. I don't think so. It would be a great benefit to the municipalities.

Q. Is there anything else you would like to speak of? A. No.

LYMAN CHAPIN, by request of the Commissioners, appeared before the Board and being interrogated stated as follows:

The CHAIRMAN: Q. What has been your experience in municipal matters? A. I have not been in the council; I am a farmer. I have not had much to do with any of these officers.

Q. Have you considered the question of how they should be appointed? A. I have only casually glanced over the questions; I have formed an opinion as to some of them; the registrars and sheriffs and the Division Court bailiffs and clerks. I think a change in the mode of their appointment is desirable.

Q. What change do you suggest? A. Appointment by the council.

Q. You are not in favor of election by the people? A. No; I think the people might, perhaps, make a mistake; perhaps not so much that, either; but I think it would be unnecessary.

Q. Too much machinery? A. Yes; and they might, perhaps, vary a little from a proper selection. I have no fault to find with the officers holding these positions; I think our officers have given excellent service in this county.

Q. As to the officers you have not mentioned; you would leave them as they are? A. I am not in a position to say much about them; I do not know anything about the details of their offices.

Q. Then would you make any change in the manner of payment? A. I think it would be desirable that the salary should be such that people would not grasp at those positions; the salary should be only a fair remuneration for the labor done.

Q. Will you put that remuneration in figures? A. For cities and towns not larger than Brantford I think fifteen hundred dollars, the present limit, is sufficient. I believe that limit was only arrived at at the present session. I think if it had been arrived at before this present agitation arose it would never have had any existence.

Q. Increasing or decreasing as the receipts became greater or smaller? A. Yes, sir; I would not object to that, and that would allow for extra help in the office.

Q. Would you make any change in the manner of paying the Division Court clerks and bailiffs? A. I am not acquainted with the details of these offices.

Q. If the council appointed registrars and sheriffs, how would you have them supervised? A. By the Government inspector.

Q. You think that is satisfactory? A. I think so, yes.

JOHN STANDISH, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Have you been in the council? A. Yes; in the town council.

Q. How long have you lived here? A. Thirteen years in this county.

Q. What is your opinion regarding the manner of appointing these officers? A. Speaking of the registrar, I consider him a county official in every sense of the word. In the first place the county provides the building, supplies furnishings, has to keep it heated, and so on, and they are interested in the fees accruing over and above the amount that he is entitled to receive according to the present arrangement. The business of the registrar is the registration of the sale of land in the county. There is no outside business that I know of transacted in the registry office; it all appertains to the county. The county council is of necessity interested in the amount they should receive from the registrar. I am strongly of opinion that the first authority lies with the people. It is a little reversed now from what it used to be when all appointments were made by the crown, and these appointments being made by the Government is a remaining vestige of that condition of things.

Q. How do you think your registrars should be appointed now? A. As a county officials, I think, by the county council.

Q. Then as to the other officers? A. I am not in favor of bringing the administration of justice within the control of the manhood suffrage vote. I think the administration of justice should be kept outside of the influence of those whose interest it would be to diminish the severity of the administration of justice. The complaint, so far as I can understand, which I have heard is not so much as to appointment by the Government, except from two points. One that they are officers whose salaries are too large for the services performed, and that these offices, held by appointment of the Government, are put forward as a bait to interfere with the independence of Parliament. They are kept open to influence members in the House who would like the position or emoluments, or held open to influence workers on the outside for political parties.

Q. That is one of the evils of the system? A. Yes; not so much, I think, from dissatisfaction with those that are appointed as with the principle, the influence it produces on the community. As to Division Court clerks and bailiffs, they were formerly appointed by the county judge, and I think that was a wise provision. I was glad to hear that they are not making as much money as they did, for when they prosper other people suffer. I would have the Division Court clerks and bailiffs under the control of the judges.

Q. Then as to the other officers? A. The other officers I have not thought of; that is, the deputy registrars of the Surrogate Courts; I do not know their duties.

Q. What do you say as to the sheriff? A. I would not like to put the appointment of the sheriff under the control of the manhood suffrage vote.

Q. Would you leave it as it is? A. The trouble with that is the holding open of these appointments by the Government as baits to get workers and to get the support of members.

Q. Of course, that is the way in which improper appointments may be made, but taking the system as a system are you in favor of letting the Executive make the appointment? A. Outside to that objection I am.

Q. But those are drawbacks which are inherent in the system; you don't see how they can he obviated by any change, do you? A. No, I really do not. I do not consider the sheriff is a county officer in the same sense that the registrar is. The Division Court clerks and bailiffs are simply local officers. Of course, they administer the law, but so does every clerk of the municipality or every treasurer, he has to administer the law of the province so far as it applies to his particular duties. Every officer, no matter how he is appointed, has to comply with the law and carry out the law affecting his particular office, and to that extent he is an officer of the law. Now, I have not that lack of confidence in the county council that has been expressed here, nor do I think any election they brought in would introduce politics. The effect of political appointments, men being appointed by political parties, that brings in politics, but I don't think as a general rule that politics are brought into the county council.

Mr. Hobson: Q. Of course, you are aware they are in some cases? A. It is a bad county, if it is.

Q. It should not be? A. No.

Q. If the appointment of the registrars were left in the hands of the counties how should they be paid? A. I consider they should be paid salaries, the fees still being collected from those frequenting the offices.

Q. And the council would receive the fees and pay the salary? A. Yes; as they are supposed to do now over a certain percentage.

Q. Would you have the council fix the amount of the fees? A. No; because I think it would be better to have uniformity throughout the province. I would have them fixed by statute; I do not think the objection raised is so much as to the amount of the fees as in regard to the amount the registrar receives over and above what the people consider it is worth.

Q. What would you put on the services? A. Well, comparing the duties and qualifications of registrars and sheriffs with those of other people, taking for instance the head teachers in high schools, who have to qualify themselves by a long course of study, I think a thousand dollars or twelve hundred dollars would pay them well.

The Chairman: Q. A high school master who is getting $1,200 does not mean to stay always in that position; he is going to make that a stepping stone. A. That might be the case with public school teachers, but not with the masters of the high school.

Mr. Hobson: Q. But they are only nine months in the year engaged in their work, and only five days in the week? A. They are more than nine months, and they have work to do in the meantime.

The Chairman: Q. However, that is the standpoint. Then what do you say as to the registrars? A. I think the registrar should be very well satisfied in part of a county like this with from $1,200 to $1,500 a year. I think there would be no difficulty in getting any number of good men to take it at that figure.

Q. The statute passed at this last session makes the registrar account for all fees he receives over $1,500, but he gets a percentage on the collections over and above that. Your plan would be to give a fixed salary without any percentage? A. Yes; no percentage.

Q. Why do you advocate doing away with the percentage? A. For the simple reason that there should be an ascertained value for the labor to be performed in regard to all or any of these offices.

Q. Then the amount of salary should be certain? A. Yes. And all of these officers should refrain from interfering with politics, even in a county election, where they are appointed by the county council.

Q. You would not disfranchise them? A. No; but let them keep their mouths shut.

Q. Then as to the other officers, what do you say regarding them? A. I do not look upon the sheriff of the county in the same light as the registrar, or the Division Court clerks. The sheriff is more an officer of the court than of the county. If they could be appointed in some way by the judiciary, I think it would get over the trouble.

Q. They are appointed in England by the judges, but it is never so here. In the United States they are elected by the people? A. I do not like that.

Q Then as to the compensation the sheriff should get, doctor, what do you say as to that? A. Well, I do not know just all their duties. A great many people can live very respectably on $2,000 or $2,500 depending on the surroundings of the places they live in. A person here should live more comfortably on $2,000 than in Toronto or Guelph.

Q. That is the scale fixed at present by the statute; they have to account for all over that; you do not think that is unreasonable? A. No

Q. Then as to the rest of the officers, you do not express any opinion? A. No; I do not know their duties. If the judges could support the sheriffs as their officers to preside in court, and the law provides that the sheriff shall appear in a certain costume there; it is more expensive and certainly while we should not be called upon to pay for too much dignity, still the sheriff is a person holding office in which a certain amount of dignity is forced upon him, and he should be able to sustain that dignity.

Mr. HOBSON: Q. In many counties there are cities such as Stratford, St. Catharines and Brantford, and here the city of Guelph. In the event of the appointment of the registrar being made by the county council, how would you deal with the city, because the city is interested? A. Well, supposing I asked you how it is arranged now; how they come to an arrangement under government appointment?

The CHAIRMAN: The people of the county are represented by one registrar.

Mr. HOBSON: Q. And if he is appointed by the county council———— A. Is not the city represented in the county council?

Q. No; they are separated for municipal purposes. A. In a case of that kind where that exists now and there is a surplus of funds from the registry office in that county where would that surplus go?

Q. But I am speaking of the question of the appointment. A. Well, if we can get where the money goes—

Mr. HOBSON: Q. Would you say that the city should have no part in the appointment of the registrar? A. No; I think not, when he is a county officer.

Q. Not even in the county of Wentworth, where the city of Hamilton with a population of 43,000 is situated, it is larger than the rest of the county combined?

The CHAIRMAN: Q. That would not be satisfactory to the citizens would it? A. The way the appointments are made now may not be satisfactory to the city.

Mr. HOBSON: Q. As a matter of fact, is not the business done in the office largely from the city? A. I am not in a position to tell, but if so why should the proceeds over and above a certain amount go to the county?

The CHAIRMAN: Q. They are obliged to keep the buildings in repair, and to supply books and so on. I suppose that is the reason. A. I think there could be no objection to the county making that appointment any more than to the present system. If the city was dissatisfied with the work they could make complaint to the county council.

Mr. MASON: Q. Would they not naturally be very much dissatisfied if they could not have a voice in the appointment of the registrar, considering the fact that the great bulk of the fees are paid by the city? A. At the same time Hamilton has not a share in the responsibility as far as the buildings are concerned, or the fees are concerned.

Q. That is just where we are in a difficulty; Hamilton has paid sixty per cent. of the cost of erecting the registry office, and we pay sixty per cent. of the expenses in connection with it.

Mr. HOBSON: And the same thing holds good of other cities? A. I still think that the counties would be just as liable to make an appointment satisfactory to a city as the Government would.

Q. Then you say the city should have no part, no say in it, that is the position you take? A. Well, if you establish the principle you have to apply that principle, but in cases sometimes it might not appear to fit well.

The CHAIRMAN: I think in the case you are putting you would need a separate registry office for the city? A. There possibly might be enough to do that.

Mr. MASON: Q. Or some machinery by which there should be a joint representation; I don't think any other plan would be satisfactory to the city. If, as you say, the appointment is just as likely to be satisfactory to the city whether made by the Government or the county council, that would be a reason for making no change as far as the city is concerned? A. It would remove the objection that exists.

Q. But so far as the cities are concerned, taking no interest as you say, it would be in all probability just as satisfactory one way as the other, and as far they are concerned, there is no reason for change? A. That would only apply to those places where this combination takes place.

Q. But as a matter of fact it takes place in thirteen counties, and the most important counties at that? A. Those are the smaller number compared with the other.

Q. It is about one-fourth? A. What particular advantage would the city get from having anything to do with the registrar.

Q. They might just as well say what particular interest has the county in this; the Government can make it just as well as the county? A. But this man is particularly occupied in county work.

Q. You don't call city work county work? A. He is under the control of the council.

Mr. HOBSON: Q. Not at all; the fees are largely paid from the cities, you will find a very large percentage of the fees paid in this county are from Guelph? A. Not in our riding; Guelph does not register in this riding.

Q. And the fees largely come from the city, and, as I say, in no small proportion from outside counties as well? A. Guelph gets the advantage in other respects; they have the registrar living there, and his salary is paid there, he pays his house rent and buys provisions there, and they get the whole benefit of his living.

The CHAIRMAN: Q. The county occasionally returns the compliment in their patronage to the city? A. Yes. Another objection that is made, you talk about the Legislature making the appointment and the county council not being responsible, not being intelligent, the greatest argument against that is that a person who goes into the field when he has been warden of the county is considered to have an extra qualification for the Legislature. Well, that man has as much intelligence as warden of the county as he will have as member of the Legislature. But here is another objection, and a very strong one, that it is not always the members elected, the people's representatives, who make the recommendation to the Government, but in counties where the Government's candidate has been defeated he has the patronage of that riding and recommends the appointments, although he is the rejected of the people.

Mr. ROBINSON: Q. That is under our system of responsible government? A. Yes.

Mr. HOBSON: Q. Do you think as a rule the appointments are fairly good? A. I think there are men in different counties holding positions which they would not hold if the people had their choice.

Mr. MASON: Q. I suppose that would be the case even if the county council or the people had their choice? A. Well, the county council is more directly connected with the people, because the election takes place every year. If a reeve has done something in the county one year that is not satisfactory he can be put out.

Mr. ROBINSON: Q. You alluded to the practice in the United States; did you ever live there? A. No; and I never want to.

The CHAIRMAN: Q. You do not approve of the election of these officers by the people? A. No; I have said from the first the officers other than the registrar are the officials of the court, and that I did not want to bring the administration of justice under the control of the manhood suffrage vote.

J. A. DONALD, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Mr. ROBINSON: Q. Have you been in the county council? A. No, I have not.

Q. I daresay that you have received a copy of the circular? A. Yes; I received it last evening.

Q. You have given these questions before you some consideration, have you? A. Well, I do not know that I ever saw the questions arranged so nicely before.

Q. What do you think about the appointment to the office of sheriff, would you have it made as it is done now, or would you place it in the hands of the county council, or submit it to the vote of the people? A. In my opinion the sheriff should be elected by the vote of the people.

Q. Will you be kind enough to give us your reason for that? Do you think it would result in securing better officers? A. For this reason, I believe it would in a measure remove a great responsibility from the Government. We all know, of course, that these offices are held out as inducements.

Q. You feel for the Government in this case? A. Probably from a private standpoint.

Q. Have you any other reason than a desire to relieve the Government of the responsibility? A. Well, I think he would perform his duty probably as well if not better; he would be more free if he were elected by the people.

Q. Do you really think he would be more free? A. Yes.

Q. Would you have him elected for one year or two years? A. I would have him elected to hold office during efficiency and good conduct.

Q. And how, if he was elected by the people would you have the office inspected? A. I would approve of a Government inspection, or an inspection made partly by the Government and partly by the council.

Q. There would be apt to be friction there. The Government would not care to inspect an officer appointed by the county council? A. I would not at all approve of the officer being appointed by the county council.

Q. You were speaking of election by the people? A. Yes.

Q. Well, do you think that would be quite practicable? The officer would not be responsible to the Government by whom he was inspected? A. If appointed during proficiency and good behavior, he would be.

Q. But one can hardly see how the Government would have much control? A. They would have the control of the inspection.

Q. And would you have the registrar and the other officers elected in the same way? A. Yes; I would approve of that system of election. There are some of the officers here with whose duties I am not familiar, such as the local master.

Q. Would you have Division Court bailiffs elected? A. I think they also should be elected by the people.

Q. And for what period would you have them elected? A. During proficiency.

Q. And you have not considered yet touching any of these officers the mode of inspection? A. From the time I have had to consider the question I have not been able to inquire much about it, but it is my opinion that an inspection partly by the Government and partly by the municipality might be the best.

Q. Do you think the sheriff and the registrar receive a fair salary under the present condition of things, or are you able to say anything about that? A. It is a pretty hard matter to get the salary of these officers.

Q. Would you continue the present method of payment by fees for the registrar and sheriff, or would you have them paid by salary? A. I certainly approve of the system of fees.

Q. Do you also approve of the division that is made? Perhaps you are aware that when the registrar receives more than a certain sum in fees the balance goes to the municipality. Are you in favor of that system? A. Yes; I think it ought to go to the municipality.

Q. Are you aware of any injustice in regard to the deputies? A. I have never met with any cases of that kind. The general objection raised by the people here is that the majority of these officers are getting too large salaries.

Q. Do you speak of the deputies, or the heads of the offices? A. The head of the office.

Q. Do you know if there has been any considerable agitation regarding these officers, and as to the changing of the mode of appointment? A. There is considerable agitation at the present time.

Q. That is as to appointment by the people or election by the people? A. As to election by the people.

Q. More than as to the payment, I suppose? A. I do not think there has been so much fault found with the manner of payment as with the method of appointment.

Mr. MASON: Q. You are the Patron's candidate? A. Yes; I have that honor.

Q. And you are speaking from that standpoint in a great measure? A. I am speaking from a private standpoint.

Q. The reason I ask you is that your views seem to coincide with what is called the platform of the Patrons? A. Yes; there is a plank in our platform.

Q. I have it here before me, sent to me by Mr. Mallory, your grand president? A. Yes.

Q. I understand you to say that your reasons for desiring to have the officers named in this circular elected by the people is, in the first place, to remove the responsibility from the Government and place it upon the shoulders of the people? A. I hardly know whether that is a proper way of putting it.

Q. I understand you to make use of those words, that it would take the responsibility from the Government. Of course you are at liberty to alter that or explain what you do mean? A. I meant that in certain cases accusations

have been made against the Government of having for the purpose of making political capital used these offices, and on that account very largely the present agitation has arisen.

Q. That is to say, improper use has been made of the power of appointment? A. The power of appointment has been in a measure taken advantage of.

Q. By the Government? A. Probably by those who are looking for offices.

Q. If these officers were elected do you not think there would still be people looking for the offices? A. Certainly.

Q. And is it your experience that the best men would be elected in a popular election to fill the position? A. I think so.

Q. That the ordinary voter would just be as likely to form an intelligent and reliable opinion as to the qualification and fitness of the candidates as the members of the Government? A. I think they certainly would, they would be more free in their selection, they would not have the same restraint that the Government has.

Q. What do you mean by restraint, restraining the Government appointing any but a political friend? A. Yes.

Q Well then, if they are elected by the people, you are in favor of inspection by the Government? A. Yes; I would favor inspection by the Government personally.

Q. You heard my question to Mr. Campbell as to whether there would not be danger of clashing where the appointment was made by one power and the inspection conducted by another? A. No; I do not think there would be.

Q. Supposing the Government inspected these officers, of course, they would not have the power to dismiss, because only the appointing power can dismiss. What would be the use of inspection and a report to the Government. Would not there be likelihood of friction between the inspector or the Government, and the municipality over the report of the inspector? A. Well, I don't know that you could place those two bodies in a position of antagonism one to the other; I don't know that it necessarily follows that the Government inspectors would be opposed to or antagonistic to the elected of the people. Where the Government make the appointment and also does the inspection it strikes me as rather a farcical performance.

Q. Even although it is a different department altogether, a different department of the public service, in other words, the inspector of public offices has no connection with the public office beyond being inspector. Why do you think there is anything wrong in that? A. If the inspector owes his appointment to the same Government that appoints the man in the office, they would likely in a measure work together.

Q. Well, it strikes me indirectly the reverse way, that both being appointed during good behavior, they would be on the lookout, each wanting to perform his duty so that the other could not make any report against him. Would not it be the desire of an inspector of public offices to have a thorough inspection of the office, because if any fault were discovered afterwards by the Government, the Government would be likely to think that the inspector's usefulness has ceased? A. Yes; but there is an assumption there that I don't know that I will wholly

take. I think it should be distinctly understood that the person holding these offices is also a favorite of the Government, and probably if he were dismissed he might make certain exposures that would not be very good for the health of the Government. and in the case of the inspector he might not want to do it.

Q. Do you know what the duties of the local master are? A. I cannot say that I do particularly.

Q. Do you know what the duties of the local deputy registrar are? A. I have a general idea.

Q. Well, what is it? A. Well, I don't know that I can fairly give any definite idea.

Q. Do you know what the duties of the clerk of the County Court are, and the clerk of the Division Court? A. To keep a record of the County Court business.

Q. And the county crown attorneys, do you know what they do? A. They are the attorneys for crown cases.

Q. Anything else? A. I cannot tell you, I am not prepared to say.

Q. Now, I want to ask you this, if you do not know what the duties of these officers are how can the people generally know, and yet you advocate their election by the people. Do you honestly think if I went out to-day and asked the first dozen people I met what are the particular duties of these officers that they would be able to answer me? A. Well, I might answer that by another question. Do you think the people have been in a position where any of them would likely know of the duties of these officers? I claim that if they were elected the people would take more interest in knowing about them.

Q. Well, assuming for the time being that they do know what the duties of these officers are, do you think they still would be better fitted to select the men to fill these positions than the Government? A. I don't know that in certain cases they might not be better. Probably the county crown attorney might be taken as an exception. I believe, generally, the Government takes advantage of those who are aspiring to the position, take advantage of their political leanings and use them as a means to that end.

Q. That would not be the fault of the system, that would be the fault of carrying it out, the fault of not exercising the knowledge they possess? A. What follows from the system can be urged as an objection to the system. Of course you can readily understand that with the short notice I have had it is not easy for me to speak like a person who is every day familiar with these offices.

Q. That is just why I have been asking you these questions, because here you are a candidate, and I should think you would have a better idea of the duties of these officers than an ordinary person. Do you consider that these officers relating to the administration of justice are local in the same sense that the county treasurer and county clerk are? A. No; I certainly don't.

Q. They are part rather of a general provincial system, in other words, the general administration of the law? A. The administration of justice.

Q. And all these officers would to a greater or lesser extent come under that except the registrar. Such officers as sheriffs and local masters would? A. No; I would not consider the sheriff was one of them.

Q. Are not nearly all his duties connected with the administration of justice, bringing people to prison, seeing that they are tried, levying upon goods and so on? A. Well, I would not consider the sheriff. I consider the sheriff should be elected by the people.

Q. Oh, yes; but do you consider that he is in any sense a municipal officer? A. Yes; he is as far as his duties are connected with the municipality.

Q. And no other reason that you know of? A. He is paid by fees, of course.

Q. I suppose you are in favor of his retaining the fees up to a reasonable amount? A. Yes.

Q. What do you consider a reasonable amount for a registrar or sheriff in this county? A. I would not want to be extravagant and on the other hand I would not want to be miserly; I think the sheriff in this county should have a salary of at least $1,000 or $1,200 a year.

Q. Is that taking into account the responsibility attaching to his office and the work and the position? You know what responsibility he has pecuniarly, what he is liable for? A. I cannot say.

Q. If I were to tell you that any mistake made by his deputy in execution, or failure to carry out an execution, that he is liable personally for any amount that may be lost through the neglect of his officer, would you consider that such a responsibility as that was worth anything? A. I think the salary I have named would be quite sufficient.

Q. The reason I asked you that is this, an instance recently occurred in the county of York in which the sheriff had to pay $1,200, and that through no fault of his own, on account of an execution he tried to enforce? A. Well, I think the salary I have mentioned would be quite sufficient in this county.

Q. You still think, even in view of what I have told you, that $1,200 would be sufficient? A. I don't know that I would put it down by a cast-iron rule at $1,200, say up to $1,300 or $1,400.

Q. According to that your idea would be pretty well met as far as this county is concerned. The actual revenue of the sheriff last year was $1,354. You would not consider that very much out of the way? A. No; I don't think so.

Q. And the registrar about the same? A. Well, in this county of course, there are two of them. I think from $600 to $800 in each would be sufficient under the circumstances.

Mr. Robinson: Q. Are you in favor of reuniting those two offices? A. I think we could get along very nicely with one registry office.

Mr. Mason: Q. Has any petition been made to that effect? A. No.

Q. These offices are never subdivided unless there is a petition for it. The division of course was made for the convenience of the people. One registry office in Toronto could do the whole of the work of the province, but for the convenience of the people they are scattered through the country. With regard to the surplus of fees do you think they should in all instances go to the municipality? A. I think where a proportion of the expense of the office is borne by the province part of it should return to the province and part to the municipality.

Q. Do you think these offices should be as nearly as possible self-sustaining, or, in other words, it should not cost people to register a deed any more than is necessary to keep up the machinery? A. I think it should be as nearly as possible.

Q. It would be impracticable to carry that out absolutely because, although the revenue varies in different counties, it is necessary to have a uniform scale all over the province of fees for registering documents. Why do you favor returning the surplus to the municipality; is it because the greater part of it is paid by people residing in the municipality? A. Yes, that is one reason.

Q. And because a portion of the expense of maintaining the office is paid by the municipality? A. Yes.

Q. I do not know what the proportion is, but there is a proportion of the fees received by the registrars paid by people living outside of the county altogether. For instance, I, living in Hamilton, may want to register a deed in the county of Perth. In one sense a proportion of the surplus should come back to me, though of course it would be impossible to carry that out. A. That would be an exceptional case.

Q. Oh, no; that is not exceptional, but although in theory it would be right, in practice it would be very difficult to return to each one his proper proportion? A. Yes.

Mr. ROBINSON: Q. Is there anything else in regard to which you would like to speak about which you have not been asked? A. No, I think not.

JOHN McNABB, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You have been in the council? A. Yes; I am reeve of West Luther; I have been in the council ten or eleven years. As to the manner of appointment, I would be in favor of having the jailers and license commissioners and inspectors included with some of these officers.

Q. What about the mode of appointment? A. In my opinion the appointment ought to be in the hands of the county council.

Q You have heard Mr. Beatty's evidence? A. Yes.

Q. Do you agree with his opinions? A. In the main I do.

Q. Why do you think there should be a change? A. I think the people who pay these men ought to have the appointing of them. It should come nearer to them. It is actually sometimes in the hands of the defeated candidate, a man who cannot get into Parliament, and who therefore is not representative of the people.

Q. If the people pay these officers then why should they not elect them? A. I think there would be a great deal of partyism, the whole thing would run into partyism. Of course, failing appointment by the county council I would sooner have the people elect them than have it the way it is now, but I think appointment by the county council would be the more satisfactory way.

Q. If the county council had control of them would not party considerations arise in voting for members of the council? A. It has not done so in the past in this county.

Q. Because you have not had these officers appointed? A. We have officers to appoint.

Q. But not registrars? A. No; we have others.

Q. You were saying that if the registrar and sheriff were elected by the people they would divide on party lines at once in the election, that is what you think? A. That is the way it is here.

Q. Would it not follow in the same way if you had the county councils appointing these officers, would not the people divide on party lines in the election of councillors? A. Well, they are appointing treasurers, clerks, poorhouse keepers and one thing or another now, and they don't divide; they are very independent about politics in this county.

Q. So in this county they deal with the merits of a man in the council, and snuff out politics altogether? A. Yes; I have never heard it mentioned in the council.

Q. Would you include all the other officers we have heard about, the postmaster? A. I would include postmasters, but I would not include judges. There are some of these offices I don't know anything about, such as the local deputy registrar of the High Court of Justice. I think that anybody who is paid by fees collected from the people should be appointed by the county council; as long as the Government don't pay them they should not appoint them.

Q. Take the officers who are paid by fees in the courts; it is not the people in the sense of the people that vote who pay them, it is the people who go to law. Would you have those appointed by the county council? A. It is the people in the county.

Q. No; it is people out of the county, merchants and so on who go and seize on them. Of course, the action is in the county, but it is not confined to people in the county, and it is only confined to those who go to law, it is not the whole body of voters. Is there any justification in your point of view for appointing Division Court clerks by the county council because the people pay for them? A. The Government does not pay them.

Mr. MASON: Q. The people who go to law should elect these Division Court clerks and bailiffs? A. No; the county council should elect them.

Q. I thought you said the people who paid them should elect them? A. No; I say that every officer whom the people pay by salary or fees the council should elect them.

Q. But the people do not pay these officers, only a certain number of them? A. Some of the people do though.

The CHAIRMAN: Q. It is not the voters who pay these officers, because the voters practically don't go near them at all; it is the people who have accounts? A. Well, if they have no accounts, they don't pay many fees. Take the registrars, for instance. We have to build their offices for them, to light them, to heat them, to furnish them, to sweep them out, and supply them with books, and the Government sets a man there who may not be known in the county at all. We have to pay them their fees, and there is nothing fair about that at all.

Q. It is the people who have land that do that? A. It is the county that has to do it; they have to build the offices and keep them in repair.

Mr. MASON: Q. Don't they get a certain sum back from that? A. It is very little we get back.

Q. You are going to get more back now? A. I don't see why we should have two offices anyway. The county has been reduced largely since the two were started. There are three townships and a town that have been taken away.

The CHAIRMAN: Q. That would need legislation; putting the matter in the hands of the county council would not make it any better unless you had legislation? A. It would: we could save enough out of these offices to run our poorhouses in a year.

Q. You would cut the salaries down? A. Yes.

Mr. HOBSON: Q. Are you not overlooking the fact that it is a great convenience to have a registry office? A. Well, yes; but if we had it in—

Q. Is not the public at large very much benefited? A. Well, if it was in the centre of the county the people would put up with that inconvenience.

Mr. MASON: Q. Who pays for that convnnience now in the northern part of the county? A. The people pay for it.

Q. What people; the people who use it? A. Yes.

Q. And the people who don't use it? A. No; I don't think there would be any grumbling, though.

Mr. HOBSON: Q. Of course, you know it would never do to have it in the centre of the county, it would have to be in the city where business is done. The people of the city where there is a population of 12,000, and where all the business is done, would have to go to Fergus? A. Leave it where it is and there would be quite a saving. I don't see why the registrar should get more than $1,500 a year.

The CHAIRMAN: Q. With whom would you leave the compensation? A. I would leave it with the council. I think they should run the whole show.

Mr. HOBSON: Q. You would give the city no show in this matter? A. Well, that is a matter of detail; the law could be amended.

Q. In the meantime you would leave them to do as they could? A. No; the city would be duly considered.

The CHAIRMAN: Q. You would have all these officers pay all the fees to the county council? A. Yes.

Q. And the county council would fix the salary? A. Yes.

Q. What do you think they would pay to these officers? A. I think the registrar ought to be worth $1,500 at the outside.

Q. That is for himself? A. Yes.

Q. And any help he required would be paid for extra? A. Yes; I don't know about the extra, I think a registrar getting $1,500 a year should run his office.

Q. When a man is subpoenaed to attend court he must have someone in his office? A. Yes.

Q. You would allow for that? A. Yes.

Q. The county would pay for that—any necessary assistance? A. Of course I would leave the matter of salary to the county council. For my own part, I think $1,500 ought to be sufficient to run one of these offices, including all help. I think the sheriff ought to get at least $2,000, because I think that is a more responsible office.

Q. And pay his own help out of that? A. I think $2,000 a year is enough for the sheriff. How much does the sheriff get now?

The CHAIRMAN: About $1,000.

Mr. MASON: Q. By the return in the year 1893 your sheriff seems to have received $2,331, and to have paid out $1,567, and to have received net about $800; that is the return? A. I thought his gross receipts were only $1,000.

The CHAIRMAN: Q. You think the sheriff should get at least $2,000? A. Yes.

Q. What do you say as to registrars of Surrogate Courts? A. I don't know anything about that.

Q. County attorneys and clerks of the peace, what should they get? A. They ought to get a fair salary; I would not like to mention any sum. They are lawyers.

Q. Their whole time is given to it? A. I don't think so.

Q. In both offices? A. I don't think it.

Q. Have you any opinion as to Division Court clerks and bailiffs? A. They would have to get a salary. I think it would be better to have every one on a salary so they would know exactly what they are getting.

Q. You think that would satisfy the public better? A. Yes; twelve years ago I made a motion to that effect in the county council, and I have talked the matter over a lot since, and I am satisfied that at our end of the county they are largely in favor of it.

Mr. HOBSON: Q. Do you think the fees would be as carefully collected if the officers had no interest in them? A. If a man was a little careless we would bounce out that man.

Q. It is not always easy to know. Take the registry office; if he has no interest in collecting the fees, do you think he would collect all the fees? A. I think any honest official would. Of course it would be just as easy for them now to say they are getting less fees. I think there should be a regular audit of these accounts. There is just as much incentive one way as the other.

The CHAIRMAN: Q. You would have all all the officers, whether those appointed by the Dominion Government or the Provincial Government, appointed by the council? A. Yes; I would sooner see them appointed by the people than have it the way it is now. I don't think any man has a chance now unless he is a regular party man. I think every man that is an honest man should have a show. I believe every man has a right to change his opinion if he likes, and I do not see that that should disqualify him from getting an office, and that does disqualify him now.

Q. Why do you say the county attorney should be chosen by the county council, and yet not the county judge? A. The county judge is paid entirely by the Dominion Government.

Mr. MASON: Q. That means by the people? A. Not direct, it is indirectly.

Q. Well, the registrar is only paid indirectly? A. But they are not paid by the Government.

The CHAIRMAN: Q. You draw the line at the judge, anything below the judge? A. I think they should be selected by local authority, get them as near home as you can.

Mr. MASON: Q. Are the people near home more likely to know their qualifications than the Government? A. Suppose you get a registrar or any other officer, and suppose a poor farmer of my township had a complaint to lay against this officer, what resource has he? Is he to go down to the Government?

Q. There is an inspector? A. Well, the inspector lives in Toronto, you have got to go down there, or you never get an answer. I wrote to the inspector once with a complaint and I never got an answer. The poor farmer has no show. If there is anything wrong at home he can go to the reeve of the township. If these men were appointed by the council they would be a little less independent than they are.

The CHAIRMAN: Q. Do you find these officers are subject to complaint? A. They are, certainly.

Mr. MASON: Q. You think that would all be remedied if they were appointed by the county council? A. There would still be complaints, but they would be investigated a great deal quicker, and rectified.

Mr. ROBINSON: Q. On the spot? A. Yes; right at home.

The CHAIRMAN: Q. You would dispense with government inspection? A. Well, if the Government would not want to inspect them of course the county council could inspect these officers all right enough. They have a county treasurer, and they run his office right along. I think there should be provincial inspection of the offices the way they are inspected now, but there should be an audit from year to year.

Q. Then the present inspection with an audit would cover that? A. Yes; there should be a thorough audit yearly.

GEORGE HOWARD, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You have been mayor of Guelph? A. Yes, sir.

Q. And have had a considerable extent of experience in municipal matters? A. Twenty years.

Q. And you are connected with the Division Court too? A. I am clerk at present in the city, and have been about three years.

Q. What is your opinion of the best way of appointing these officers? A. As far as my opinion goes I don't see much room for change with a view of improving things.

Q. There is no dissatisfaction that you know of? A. I am not aware of any here that would be remedied by any change.

Q. What troubles do you think would arise if the system were changed, and the appointments were placed in the hands of the county council or the people? A. I have heard Mr. Black's evidence, and I agree almost entirely with what he has said. I was six years in the county council in this county, and I know something of the difficulties with that body in making appointments, of the log-rolling which takes place in connection with it.

Q. And I suppose that would increase if they had a larger number of officers to deal with? A. Yes, most certainly; it might almost become a matter of barter and exchange.

Mr. HOBSON: Q. As a matter of fact there is some of that carried on? A. Yes.

The CHAIRMAN: Q. Then what difficulties do you foresee in the event of election by the people? A. Well, personally I am entirely opposed to that. Not for myself, because I hold an office, but I think that generally it would be bad, especially in the case or those officers connected with the administration of justice.

Q. The expense would be greatly increased, to say nothing of other things; there would be contested elections and protests as in the case of any other election? A. Yes; that would necessarily be so.

Q. How many divisions are there of the Division Court? A. There are only eleven in this county, eleven courts, but there are twelve divisions, but two of them hold court alternately in each place; there are only eleven clerks.

Q. How many bailiffs, one to each court or two? A. I think only one as far as I know, in this county.

Q. Do you think the offices of clerk and bailiff could be combined? A. There may be some very small parts where it might be done, but it could not be done in the city, that is impossible. One man could not do the work, I could not do the work of my office and that of the bailiff too.

Q. Would that be because the bailiff has to do a good deal of running about? Does the clerk require to be at his office during certain hours? A. The time is not fixed so far as I am aware, but they are supposed to be at the service of the public at all times. Occasionally the clerk has to perform the bailiff's duties in services, not with regard to execution. Sometimes on the last day of court I have to make a few services to help him out.

Q. Something has been said about the registry offices, there being two of them in this county; do you think it would be beneficial to the public to have them consolidated? A. Of course, I cannot speak very well for the outside section, but I do not imagine that the people would like to have the second office abolished.

Q. The change once having been made it is always difficult to go back? A. The establishment of the second one was largely due to pressure on the part of the public who wanted it. It was inconvenient for people living in some parts of the county to come forty miles to Guelph to make a registration.

Q. So it was necessary in the interests of the public that a division should be made? A. It was largely understood so.

Q. And that need still continues? A. Of course, the charge has been made that John Sandfield McDonald wanted to put some one in the office, but that is begging the question; I think the need was there all right.

Mr. ROBINSON: Q. In your opinion it serves the interest of the public? A. Yes.

The CHAIRMAN: Q. And the need for it still continues? A. Yes; and the expense to the county of the second registry office must be merely nominal, apart from the fees received by the registrars. I think it is better as it is.

Q. What do you say as to the manner of paying these different officers? A. I do not know any fairer way than that the man who gets a service done should pay for it.

Q. How much of the fees should the officer get? A. Well, the fees vary to such an extent in the different offices that it seems to me there should be some graduated scale, such as the Government now have, possibly with a reduction in the percentages.

Q. Do you favor a percentage over a certain amount? A. A fixed percentage, it is always an incentive to a man to do his duty.

Q. Do you think it would be well to have one percentage for all officers, and not a sliding scale as they have it now? A. I would favor the present system as against a fixed percentage, a sliding scale; I do not say the exact percentage which is now allowed.

Q. Would you make any change with reference to jailers? A. As to their appointment?

Q. As to putting it into the hands of the county council? A. Speaking from our experience here, I do not see anything to be gained.

Q. Do you think it would be an advantage if the council had the appointment of license commissioners and inspectors? A. I am entirely opposed to the council making that appointment.

Q. Why? Do you remember when the change was made? A. Yes; I have an experience in regard to that.

Q. Let us have that experience? A. I have known our city council to be engaged day and night almost for three days at the time the license question was up, as to the question of to whom licenses should be given. There was very great difficulty. Every member of the council had his own friend, and in some instances politics came in, and men were appointed who ought not to have had a license at all. I think that is obviated to a very large extent by the present system.

Q. Do you remember what agitation led to a change in the system? A. No, I do not.

Q. By whom was that done? A. By the Mowat Government, before 1878 or 1879.

Q. Is there any other matter now you wish to speak of which I have not asked you about? A. Not that is suggested by this list of questions.

Mr. ROBINSON: Q. You fear there would be a division in the council respecting the appointments? A. It is as certain as that the sun shines.

Q. You have seen that spirit exhibited? A. Yes, frequently; and I certainly do not think the appointees would improve any by the matter going into the hands of the council. There is another question involved. In Guelph here we are part of the county for judicial purposes, but not for municipal purposes. Whatever surplus was going to the county council would have to be apportioned between the city and the council.

Q. How long have you been in the city council? A. I have lived in the city nearly all my life. I first entered the council about twenty years ago, in 1868, because while in the county council I was reeve and deputy reeve, and that of course was before we became a city.

Q. How long have you been in the county council? A. Six years. Speaking of the Division Court, my district comprises the city and one township county, and I do not see if it came to a question of paying the surplus fees into the municipality there would be much gain there.

Q. There is no surplus in the Division Court? A. No.

Q. And in the country places hardly enough to live on? A. In some places the receipts are not $75 a year.

Mr. MASON: Q. You have to supply your own books after the fees reach a certain figure? A Yes.

Q. Have you reached that figure? A. Yes, I have; but the county council have been liberal with me and allowed me books.

The CHAIRMAN: Q. In those divisions where the receipts are only about $75, as you say, if a vacancy for clerk or bailiff had to be filled by popular election, would not the cost of the election be about equal to the amount of fees the officer got for the year? A. Very nearly, on some of the municipalities. In a municipality with five polling places it would amount to about as much as the man gets altogether.

Q. What do you reckon as the expense of a polling place? A. In the townships it costs less, here each polling booth costs $4.

Q. How many men are occupied? A. They pay the deputy returning officer $4, the constable $4, and the clerk, so that in five polling subdivisions it would amount to about $100.

Q. And there are scrutineers also? A. Yes.

Mr. ROBINSON: Q. As to the county crown attorney and clerk of the peace, is there any complaint of their attempting to make business for the sale of the fees? A. No; I have no experience of that.

Q. Are any complaints made about the conduct of your bailiffs, as to their promoting litigation? A. No; I think from my experience, it is the other way. Naturally being so long here I know so many people that if I can make peace between them I do.

Mr. MASON: Q. I have been told that in many cases the litigants would just as soon have the Division Court clerk as judge, and the bailiff as lawyer, that in many cases they would as soon have the Division Court clerk settle the case as the judge? A. It is just as well if they get it settled.

JOSEPH STRATFORD, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Have you held any municipal offices? A. I have only had to do with the officers we are discussing in an indirect way. The nature of my business brings me in contact with them. I am an agriculturist, and have been in the wholesale business.

Q. And you live in Brantford? A. In the county, I was born here.

Q. What in your opinion is the best way of appointing these officers? A. I am a Patron of Industry myself, working along those lines, and I was in touch with that plank of the Patron platform until recently, but I have had some opportunity of judging for myself, having been out in the country during the months of January and February when they were electing reeve and deputy reeves and I found there was a great deal of bickering among them in the election of these men, some endeavoring to elect Patrons and others trying to elect farmers, and it occurred to me that the matter was safer in the hands of the Government than in the hands of the municipalities or the people. I think it would lead to a great deal of turmoil and bickering among them.

Q. Then you think that the well being of the community is served by removing this class of elections from the popular vote? A. Yes: aside from that I have been talking to many of my friends in the United States, and I find that it leads to the prosecution of politics among them there.

Q. An agitation is now going on in some of the leading States to get rid of the system, in Massachusetts and other States? A. Yes.

Q Then what do you say as to the county councils making the selection as suggested? A. I would rather leave it in the hands of the Government. They claim that the next Parliament we will have a number in Parliament who are independent, and that these matters will be very safe in their hands.

Q. Do you recognize that any of these are municipal or a local officer as against state or provincial officers?

Mr. MASON: Q. Is the sheriff a municipal officer or a local officer? A. I should look upon him as a provincial officer.

The CHAIRMAN: Q. All are in the same category, they administer the law and answer the call of people outside of the county when required as well as those within it? A. Yes; I should think they would come under the head of provincial officers.

Q. Then you say that having at one time been in favor of that plank of the Patrons, you have now changed your opinion, owing to something you have observed in connection with the local municipal elections? A. Yes; I thought at first that the Patron platform was reasonable, but on reconsideration and as a result of my experience I am not at present in touch with it. I am in favor of having it remain in the hands of the Government, and the people controlling the Government.

Q. That is the present system? A. With certain modifications and improvements that might well be suggested.

Q. You see no reasons for a change to a totally different system? A. No.

Q. Then as to the manner of compensating these officers? A. That might be a matter of consideration for those better versed in the matter than I am myself. I have not had sufficient experience of municipal affairs.

Q. But generally speaking, would you favor them being paid by fees? A. I think the fee system is all right, unless perhaps that the fees should go into the hands of the Government and the Government apportion salaries to each officer, and if there is any excess let it be returned to the county.

Q. That is the way in which the registrar's office is managed now? A. The surplus goes back to the county?

Q. Yes; I think it is all given to the county, they providing books, buildings and so on. That seems to be fair enough. Perhaps it would be still better if the fees could be reduced? A. Well, if they are getting too much money why not reduce the fees to the people?

Q. Yes; that is a better system if it could be managed.

Mr. HOBSON: Q. But in counties where the fees are not sufficient to give a fair living now, would not there be a little difficulty in that? A. Those of course would be matters for consideration; if in a small town a registrar was not getting enough the Government might increase it.

The CHAIRMAN: Q. Have you formed any opinion as to what would be a fair amount to be retained out of the fees by registrars and sheriffs? A. No; I have not given that consideration.

Q. Who do you think should appoint their assistants and pay them? A. I think that should rest with the sheriff or registrar; he might do in some cases without anyhow.

Q. But in all these offices there must be a deputy, because the chief has to be out sometimes, he has to obey subpœnas? A. I should think that would be regulated by the returns, and the Government would have it in their power to say whether a deputy was required.

Q. Or would you leave it to the chief in the office to choose his own help, he being responsible for them, and to make his own bargain as to payment? A. It might be advisable; a man might like to have his own son.

Q. And if the son was a good and efficient assistant? A. I would not object to the registrar appointing his deputy.

Q. And would you have the Government exercise any supervision as to whether a fair amount was paid, not too much or too little? A. That would be regulated by the returns to the Government of the volume of business done at the office.

JONATHAN SISSONS, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Mr. ROBINSON: We are examining gentlemen touching the opinion of the appointment of some of the officials, a list of which you have seen, and we inquire as to the mode of their remuneration. What is your opinion, sir, touching the present system of appointment by the executive or the Government? Would you keep it as it is, or put it in the hands of the county councils, or would you sub-

mit the appointment to a vote of the people? A. I would be in favor of the present system of appointment, that is, of a number of the officers that we have in the county, such as registrars and sheriffs. At least I would take the registrars and also the local masters and sheriffs.

Q. County attorneys, would you keep them as they are? A. Yes, sir, I would.

Mr. HOBSON: Q. Is there any official there, as to which you would advise changing the mode of appointment? A. No; I am in favor of the present system of appointment, and holding the Government entirely responsible for their efficiency.

Mr. ROBINSON: Q. Would you apply that to all of them. A. Yes.

Q. Are you satisfied with the present mode of paying the officers by fees, or would you suggest any change, paying them by salary, or otherwise? A. Well, so far as the registrars are concerned, I would certainly favor paying them by fees, I suppose you do not wish my reasons?

Q. Yes, we would. A. I think that the parties doing business with the registrars; for instance, if I am a land speculator, having a good deal of business in the registry office, I think I have a right to pay for all the accommodation or work that I have done there. I do not think it would be a reasonable thing to suppose that a man who simply attended to his own little business, and perhaps had not a conveyance more than once or twice in a lifetime, should be taxed and assessed for those who do a great deal of that kind of work, and consequently profit by it.

Q. You would make the man who had the business with the offices pay the whole amount? A. I would, sir; I think it would be well for the Government to protect the public along those lines, so that excessive fees should not be charged; and after a man receives a certain income from the fees, I also think that a certain percentage should go to the Government, or go back to the county, so that a man would not be able to make too much of a fortune out of the office, or too much money.

Q. The fees now are regulated by the Government? A. Yes.

Q. You would have the overplus go back to the Government or to the county councils? A. Of course, I suppose the Government pay for the inspection of these offices?

Mr. HOBSON: The county keeps up the offices? A. That is a matter I have not thought much about. Perhaps the county ought to have the percentage of the fees.

Mr. MASON: Perhaps it should go back proportionately, to the source from which it came? A. Yes.

Q. Either to the municipality or to the Government, or both proportionately? A. Yes: I think it might be well to have it arranged in that way, because the county has a large expense in keeping up those offices. I know that in this county it has cost us a very large amount of money to keep the office properly warmed. We went to great expense in the registry office some years ago, and I think it would be wise, perhaps, to have part of the profits go back to the county to help to reduce taxation.

Mr. HOBSON: Q. You have said that you are in favor of the present system of appointing those officers in that list. What have you to say in the matter of the appointment of license inspectors? You remember the way it was done before when it was in the hands of the municipalities? A. Yes. Well, I would not like to see it go back again to the municipalities. I think it is a step in the wrong direction.

Mr. ROBINSON: Q. You have been many years in the county? A. I was born in the county

Q. But in the council? A. This is my fifteenth year.

Mr. HOBSON: You have filled all the offices: deputy-reeve, reeve, and warden? A. Yes.

Mr. ROBINSON: Q. And from your experience you would keep the license inspectors as they are? A. I certainly would. I think the Government should be held responsible for the appointment, and held responsible for having efficient and proper men appointed.

Q. Do they unduly interfere in politics, as is said by some, to your knowledge? A. I would not say that they unduly interfere.

Q. They take a fair interest? A. Yes; it is pretty hard to keep a man from doing that.

Mr. MASON: Q. You have no reason to believe that they used their official position here, so far as this county is concerned, for political purposes; or do you know of any instance where they have done so? A. I do not know of any instance. I know that the late license inspector was a party man; but still I do not think he ever interfered. I never knew of him interfering in any way.

Q You would be likely to have heard of it? A. Yes.

Mr. ROBINSON: Q. No complaint made against him? A. No.

Q. Has the desirability of any change in these offices come up for discussion in your council? A. Not in the county council; and I may say in the township council I know that the opinion is that when the Government took charge of the license a proper change was made; when we went from the old system to the new the municipal councils had to do with this thing.

Q. You are speaking particularly of the license inspectors? A. Yes.

Mr. MASON: Q. You think they are glad to be relieved of that duty and responsibility? A. Our municipality had that idea.

Mr. ROBINSON: Q. You have nothing to complain of yourself as to what you have heard of the conduct of those who hold office in the county? A. No; I have never heard any complaint in regard to those officials in any way.

Q. Speaking of all the officials, the manner of their appointment has not been a matter of great discussion in your council? A. It has not. Recently there seems to have been a feeling, this last few years, that certain officials are making too much money out of the people. That feeling has been growing, I think, for a year or two.

Mr. MASON: Q. You think that attention has been drawn to the subject more on account of the remuneration than on account of the manner of appointment? A. I do, sir I think on account of the money they are making, a great many farmers seem to think the officials are getting too much money.

Q. And I suppose the farmers themselves seem to think they have not been doing very well as a class the last few years? A. They know that.

Q. And naturally think that these officials who do not seem to work half as hard as they do, are doing much better? A. Yes, sir; that is the opinion of the majority of farmers in this county.

Mr. MASON: Q. What do you think would be a fair remuneration say for a registrar in a county like this? A. I think if a registrar got $1,500 net he would be very well paid. Of course it is a responsible position, and it wants a very efficient man.

Mr. HOBSON: Q. Then as to a sheriff, what would you say would be a fair remuneration for a sheriff? A. I do not think they ought to have any more money.

Q. You think their responsibility is not any greater? A. Yes, it is greater: but as a rule I think their deputies do a great deal of the work.

Mr. MASON: Q. It has been thought in some of the counties that the position itself was one of more importance and more onerous, more responsible than that of a registrar, whose work is to a certain extent more ministerial or clerical, while the sheriff has to deal with various matters of great importance, and that on that account there should be some difference in remuneration, as between a sheriff and registrar? A. Well, of course I have thought of that, and probably there is a point there. There is no doubt at times the responsibility of the sheriff is very great, and any little mistake on his part might cost him a great deal of money.

Q. And, in fact, he is responsible for the acts, not only of his deputy, but of his bailiffs as well. He has to suffer for any mistake they may make? A. I was just speaking at random when I said $1,500. I think $1,500 is a fair salary for a man.

Q. If he was kept harmless from loss? A. Yes; but when I consider the fact, as the fact exists, that the position is a very responsible one, $1,500 might perhaps be less than a sheriff ought to get.

Q. The Legislature evidently thought there was some difference by fixing $1,500 as the minimum for a registrar, and $2,000 as the minimum for a sheriff. They seemed to have been of the opinion that there was a difference of about $500? A. Yes.

Mr. HOBSON: Q. There seems to be the idea in some people's minds that the deputies are not fairly treated. Do you think it is well that the officers should have the appointment of their own assistants, and the fixing of their renumeration, that is, having control of their own offices? A. Yes, I do; I think in the case of sheriffs and perhaps in the case of registrars that that is a correct principle. No man should know better who would serve him right than the sheriff or the registrar.

Q. Are there any other matters that we have not touched on that you would like to give an opinion about? Any other kindred matter to what we are deal-

ing with? A. There is just one point that I have thought of. Take the position of registrar. I notice that the Act forbids the registrar giving very much information to myself or yourself, or any person who may have business with him. For instance, if I go to make a search I can look over and form my own conclusions, but I see that according to the law a registrar must not give me any particular information with regard to the title, or with regard to any matter.

Mr. MASON: Q. I suppose what you mean by that is that although you are at liberty to look at and form your own conclusions, the registrar is not to tell you? A. Yes.

Q. The reason of that is because it would to a certain extent throw a responsibility upon him that he should not assume without he actually supplied it by a written document, and for that he is allowed to charge of course? A. Well, I believe it would be very much better if such was the law, if there was more responsibility thrown on him; for instance, there is not a man in the province that knows as much about the title of properties as a registrar.

Mr. ROBINSON: You could not say that generally as to registrars. Many of them do not attend to their offices. Their deputies may know.

WITNESS: I would not want him to give a legal opinion. For instance, you go into a registry office, you look over books, you are not able yourself to get at the bottom of the matter that you wish to look into, and in a great many cases a registrar, if he was allowed, he could give you information that would save you a great deal of expense and trouble.

Q. But it may lead you into trouble.

Mr. HOBSON: Q. Is it not better as a usual thing for a man to employ a lawyer to deal with that business? It is really the business of a lawyer? A. It is better for the lawyer.

Q. That would be getting a little legal advice for nothing. Would not that be the English of it?

Mr. ROBINSON: And bad at that perhaps.

Mr. MASON: Q. Supposing for instance he gave you information that he honestly thought was right, and it turned out to be wrong, involving you in some serious loss, you would hardly want to get back at the registrar because he had given you information which led you into that trouble, when he is giving it to you for nothing? A. I would not have him give it to me for nothing.

Mr. MASON: Your idea, I think, is a good one in theory, but I am afraid it would hardly work out in practice.

Mr. ROBINSON: You would have to have a first-class man for that, and pay him a first-class salary.

WITNESS: I think all registrars ought to be first-class men.

Q. Then the $1,500 would not pay them. You could not get a first-class man for $1,500? A. I think you ought to get a very good man for $1,500 who would be able to look into titles especially if he was a registrar who had held the position for years. It seems to me there is no man that could give an ordinary farmer going into his office the information so correctly as the registrar can do it, and I would be willing to pay him a little more than the usual fee for getting

that information. You go there and get a certain amount of information, and then to get it fixed right, you have to go to a lawyer who will charge a good deal for going over the very thing the registrar would give, if the law was not so framed as to protect the lawyer. However, I suppose that is not a very important matter

Mr. ROBINSON: Q. You are opposed to any of these gentlemen being elected by popular vote? A. Yes; in this country, I think that our present system is a correct one. I have no particular idea that we would get the best men at all times by the popular vote. I am in favor of the present system.

Q. It would not be an improvement to have them appointed by the county council? A. Of course I ought to have a good deal of confidence in county councils, but I do not think that a better class of men would be appointed by the county councils.

Mr. MASON: Q. I suppose you are of opinion that these officers should devote their time to their offices, the real working heads? A. Yes, sir.

Q. They should not do their work by deputy altogether? A. I think if the registrar gets $1,500 a year he should be an efficent man, and should be at his post a certain number of hours every day, and do away with some of the extra help he has, and reduce the cost of the office. I see something here in regard to fees. Does that apply to superannuation fees?

Mr. MASON: No; there are no superannuation fees in the provincial system.

WITNESS: I do not approve of superannuation allowances. Perhaps in some cases they are all right, but in a great many cases they are all wrong. In a general way, I do not approve of them.

Mr. HOBSON: Q. Would you care about giving us your views upon the desirability of appointing chartered accountants to audit county accounts? Do you care about speaking on that subject? We have been taking a little evidence on that? A. I honestly believe that it would be a good thing if we could have a better system of auditing.

Mr. ROBINSON: Q. That depends on yourselves? A. I know that. I would not like it to be understood that I want any very high Government officials to go into the auditing of our accounts, but I would be desirous of seeing a better system of auditing.

Mr. ROBINSON: Q. All you have to do is to pay $50 more and get them I suppose? A. I suppose.

P. J. GRIFFIN, by request of the Commissioners, appeared before the Board and being interrogated stated as follows:

The CHAIRMAN: Q. What municipal experience have you had? A. I have been in the township council.

Q. Have you been here very long? A. About twenty-five years.

Q. Have you had a list of the questions we are discussing? A. Well, I have, but I did not look over them.

Q. You know the officers we are considering, the registrars of deeds, local masters, sheriffs, local and deputy registrars of the High Court of Justice, deputy

clerks of the crown, clerks of County Courts, registrars of Surrogate Courts, county attorneys and clerks of the peace and Division Court clerks and bailiffs. What is your opinion about the best manner of appointing these officers? A. I think they should be elected by popular vote.

Q. All of them? A. Yes, sir.

Q. Do you think the county judges also should be elected? A. No.

Q. County treasurers? A. Yes; and the county clerks.

Q. And I suppose the postmaster? A. No.

Q. Why? A. That is different; I did not think anything about post masters, but I think that is right too. They have just as much right to be elected by the people.

Mr. MASON: Q. And the school inspectors? A. Yes; all public officers.

The CHAIRMAN: Q. Whether under the Dominion or under the province? A. Yes.

Q. Then you would give the people a pretty busy time at elections? A. They pay for them and they have the right to say who shall hold the positions.

Q. You would have a whole string to vote for. Do you think these people would be voted for on their merits, or that there would be a list formed of men of a certain stripe linked together in politics, religion or anything else? A. No, sir, I think they would be elected on their merits.

Q. Would you have these officers elected for life or for a short term? A. For four years.

Q. You would have an election of these people every four years. I suppose you know how these elections are conducted in the States? A. I believe they have them every four years.

Q. Do you know how they are conducted? A. No.

Q. Have you ever been over there at election times and seen the tickets with the names of the candidates all linked together? A. No.

Q. Don't you know how the system is practised there? A. No; I do not.

Q. Well, they put on one side all those of a certain political stripe and on the other side those of another stripe, all are linked together, and as a rule a man has to vote for the whole crowd. Of course, those lists are prepared by the leaders of the caucus system, who draw them up, and that is the machinery by means of which elections are conducted. Now, would not the elections here be conducted in that way, would not the people club together as they do in the States? A. We elect our municipal officers here, and as far as this county is concerned I do not think there are any politics about it. I do not say that there should be any politics in regard to this.

Q. Perhaps that is because in electing councillors you elect for a small portion of the country, you are divided up into sections? A. In some places for the township.

Q. How many voters are there in a township? A. Fourteen or fifteen hundred.

Q. When you come to vote for a territory including forty or fifty thousand-- A. They are going to be elected for their county.

Q. The sheriff is elected for the whole county and city? A. Yes.

Q. Don't you see that when you are voting in such a large territory as that containing fifty or sixty thousand people the people will have a difficulty in knowing what are the merits of the registrar, sheriff, judge or postmaster? A. I am not in favor of electing the judge, but I think the people in the county know just as well as anybody who is the best man to elect as county treasurer.

Q. Because they have one now, and they might stick to him. But suppose there was a clean slate? A. I do not think a man should hold these positions for life.

Q. If there is a clean slate, how do you think the people in a county at large would go to work to choose a new sheriff, supposing there was a vacancy? A. I believe the same one would be elected again.

Q. Suppose he were transferred to some higher office, made a member of Parliament, for instance? A. We would know better how to elect a good man than they do down in Toronto, because we live here and we know all about it.

Q. In some of the counties there are eighty thousand people who would have to deal with this question; how would it be possible for them to know the men who are running? The first thing is to get over the unwillingness of the people to grapple with new questions, next to get them to know who the candidates are, and next to know what the duties of the candidates are. Next they have to find out who is best fitted for each particular office, and then to vote for the best man, because I suppose you don't want to change the present system unless you are going to get a better one? A. I am sure it would be better.

Q. Would you get better men? A. Yes.

Q. And get them cheaper? A. I think so.

Mr. HOBSON: Q. Of course, you have considered the great cost of elections. In the first place, who do you say should pay for it, should it come out of the general funds of the country or be paid for by the county? A. They are all officers in the county and it should be paid for by the county.

Q. In this county the cost should be paid for by the city of Brantford and county of Brant? A. Yes.

Q. In order to select candidates it would be necessary to hold meetings all over the ridings to enable the people to obtain a knowledge of the fitness of the different candidates, and that, of course, would cause considerable turmoil. I am not saying that that should be a sufficient objection, but I am only raising this question, it would be worth all that, I suppose? A. Well, if there were two candidates in the field they would both try to get all the help they could.

Q. Then you would reasonably suppose they would have somebody looking after their interests at each polling subdivision. All this, of course, entails considerable cost. I am not raising that as an objection, but I ask you do you think that is all right? A. Each candidate would have to pay his own expenses.

Q. They would have to have a fairly good salary to recoup them if they were only going to be in four years? A. Perhaps there would not be so many if they had to pay their own expenses.

Q. Then the bailiffs, many of them do not get more than seventy or eighty dollars in a year, and the cost of their election would be more than the whole return from their offices. Of course, the county would pay for it? A. Well, if that was the case they would not run a second time, we would get rid of that lot.

Q. Well, if that all was done, I presume from what you say you consinder we would get a better class of men? A. I do.

Q. And you think the fact of getting a better class of men would be sufficient warrant to change from the present system to that of electing by the people, that is, the men would be of a superior class? A. I believe they would be free from party.

Q. And the community at large would be better served? A. Yes; I think they would be superior men.

Mr. MASON: Q. Would they be free from the party that elected them? A. Well, they would have to behave themselves pretty well, or they would know they would never get back again.

Q. Towards those who are their friends? A. No; I think a man who is wise will always make friends with his enemies.

Mr. HOBSON: Q. If the sheriff did that it might interfere with his performance of the duties of his office? A. As long as he did his work right I think he would be returned, and if he did not he would be left.

Mr. MASON: Q. You don't think a man would be elected because he was the most popular man? A. I think the best man would be elected.

Q. But do you think the most popular man is always the best man? A. Not in all cases.

Q. But he would stand a better chance of election, would he not? A. Well, he might, it would depend on the office. When we want a good man for an office I think the people would vote for that man. If he did not behave himself he would be turned out at the end of the four years.

The CHAIRMAN: Q. In the States they have a rule that a man who is elected for two terms is not eligible for a third in most of the offices, what do you think of that? A. I don't think a man ought to hold office for twenty years, not more any way, I think that is long enough, but as long as a man filled his office well I think I would return him.

Mr. MASON: Q. If he does well you think he should be returned again, then why is there any necessity for an election at all? A. To find out whether he is wanted by the people.

Mr. HOBSON: Q. Did you say you were in favor of the county treasurer and clerk being elected by the people? A. Yes; I believe in everybody being elected by the people who pay for them.

Q. Do you think the people would have as good an opportunity of knowing the fitness of a county treasurer for the office which he fills as the county council? A. I do.

Mr. MASON: Q. You say that the people pay for these officers; they only pay a very small proportion to the registrar? A. Well, I believe in the people paying for it.

The CHAIRMAN: Q. Companies are not run in that way, and the shareholders elect directors and let them manage it? A. Yes. And how long are they put in for?

Q. As long as members of Parliament are. The directors manage a company, and are responsible for its management? A. Yes.

Q. And would you apply a different principle then with regard to the representative you send to Parliament? The people send their representative to the House of Parliament and why don't you let them govern the country in that larger concern as you do in the smaller concerns of business? A. Well, the shareholders will soon change the directors if they want to do it.

Q. But there is no institution run in that way; they know it is better to have the directors independent men whom they choose to manage the concern. Why do you want to introduce the experiment into Government affairs? A. Well, we are trying to get our directors to do it, that is what I take from that

Mr. MASON: Q. Has there been much discussion about this matter? A. I have heard a good deal in the last four years. The people want a change, they want their officers elected by the people, In fact I have always been that way.

Q. Do you think the attention of the people has been directed to it more on account of the salary than the manner of appointment? A. Well, I don't know.

Q. Do you think the salaries are excessive? A. No, I would not say that although I have heard a good deal about the salaries. I think the people want to vote.

Q. They want to vote as often as they can? A. Yes.

Q. What percentage of the people turn out to vote at your elections; do half of the electors turn out to vote at municipal elections? A. Oh, yes.

Q. What proportion stay at home? A. I don't think it is over a quarter.

Q. And the more frequently you have elections the more stay at home? A. No; I think if we had them oftener it would get them warmed up.

Mr. MASON: Q. You think it is a good thing to keep up this excitement all the time? A. Yes.

The CHAIRMAN: Q. It would be a capital thing for a certain class of people, professional politicans and electioneers who manage elections; they would have a fine field, no doubt, and that class would increase; would not that be the inevitable result, that we would have a class of people who would devote themselves to the management of elections? A. Well, these officers might have to pay other people.

Q. Yes; and take it out of the people? A. They would not if they had a salary, because they could not.

Q. They manage to do it in the States. We heard of a man the other day whose salary was $1,000, but who managed to live in a house the rent of which was $5,000 a year; that was in Detroit? A. Well, supposing he had fees, he would have $5,000 just the same.

Q. Then it would come to this under your system, that the same amount of money would be required to run it—the same amount of money would be taken out of the people. In one case they would have a voice in the matter themselves, and in the other case secondhand through their representatives, that is the whole difference, is it not? A. I don't see it.

Q. Don't they control through their representatives now? A. They could, but there is too much politics.

Q. I do not think you would reduce politics by multiplying the number of elections? A. I don't think when it comes to voting for these officers the people would vote on political lines.

Q. You think the leopard would change his spots? A. I think they would vote for the best man. I know I would.

WILLIAM TURNBULL, by request of the Commissioners, appeared before the Board, and being interrogated, stated as follows:

The CHAIRMAN: Q. I believe you have been through all the grades of municipal offices here? A. Pretty nearly, I think, from councillor up.

Q How many years have you been in the council? A. Thirteen years.

Q. What do you think is the best manner of appointing the officers we are now considering? A. I am decidedly in favor of the present system.

Q. Why is that? Why do you think it should not be changed? A. The elective system would cause a great deal of trouble and expense, and in my opinion would not result in the appointment of as good men. There are considerations which enter into elections of that kind which I think would have that effect.

Q. I suppose it is not possible to eliminate politics no matter how the appointment is made, whether by the Government, by the county council, or by the vote of the people? A. I do not think it is possible to eliminate politics from a contest of that kind.

Q. What do you say as to the council making the choice? A. Well, I should prefer the present system.

Q. You see no reason for making any change? A. No.

Q. Then as to the manner of payment; fees being collected from the persons for whom the services are rendered, how would you apply those fees, would you make any change in the present system? A. In some ways I am not very well qualified to speak. As regards the registry office, my own idea would be that fees should be collected sufficient to maintain the office and the buildings connected with it, and that only such a small amount should be handed over to the county as would maintain the building and pay the expenses connected with it. If there is more money collected at present than would be sufficient to do that I would reduce the fees so as to make it cheaper for those who make use of the office.

Mr. HOBSON: Q. You would not want the county to make money out of it? A. No; neither the county nor the Government.

The CHAIRMAN: Q. No doubt that is the correct principle, but the difficulty is to adjust it to each county or city. In some of the cities there is a large surplus, while if the fees were cut down too much there, it would not do for the counties? A. Of course there may be difficulties of that kind, but that is the principle upon which I would go.

Q. And that would apply to any other office where there is a surplus of fees, you would collect no more than sufficient to make the office self-sustaining? A. No.

Q. Is there any complaint of the manner in which the business is done by any of these officers, in the way of making fees unnecessarily or not attending to their duties? A. I have heard of none.

Mr. MASON: Has the matter been much discussed as far as you know of, is there much agitation or excitement about it? A. I do not think there is a great deal through the country. Of course, the topic is often referred to, and there is a good deal said in the newspapers too, of late, and some conversation among ourselves. I think it is a point that will come to the front before many weeks more.

Q. When the elections are on? A. Yes.

Q. Is there any other matter that we have not asked you about regarding which you would like to speak? A. No.

WILLIAM LEMON, by request of the Commissioners, appeared before the Board, and being interrogated, stated as follows:

Mr. ROBINSON: Q. You are warden of the county? A. Yes.

Q. Is this your first term of office? A. As warden.

Q. But you have been in the council for several years? A. Been in the council eleven years representing the township of Sydenham. That is, in the council, and then have been reeve or deputy-reeve this last eight years.

Q. You have had great experience in municipal matters? A. A reasonable amount.

Q. Have you had an opportunity of looking at the questions? A. I have looked them over reasonably well.

Q. And what is your opinion, then, in the first place, as to the manner of appointment of the sheriff, registrar, or any of these officers? A. Well, the registrar and sheriff, I think, should be appointed by the Government; and, as to the rest of them, I do not see one here that I would say should be appointed by any other authority than by the Government.

Mr. HOBSON: Q. In other words, you are in favor of the present system? A. Well, I do not exactly know what the present system is.

Mr. ROBINSON: Q. The present system is that each and all of them are appointed by the Government? A. Yes; but there are some of them paid partly by the Government and partly by the county.

Q. I think there is only one that is partly paid by the county. The sheriff's fees come to him partly from the Government, partly from the county at times in public prosecutions, as well as fees from individuals. The registrar, as you know, is paid entirely by those who do business in his office. They are both appointed by the Government? A. Then if he had a salary it would give an advantage to those who used the office, would it not?

Q. You mean an advantage in the amount that they would pay for each document registered? A. No; what I mean is this, that if he was paid by salary, the whole county or province, or whatever it would be, would have to pay him.

Mr. ROBINSON: Q. That would not follow, because the fees could be funded, and the salaries paid from the fund. I do not think it has ever been thought of fees being done away with.

WITNESS: Not done away with, but it would get rid of paying them. While I used the office another man would have to pay them.

Mr. ROBINSON: No, there would be no difference made in the charge for each document to anyone who wanted to registrar it. Nothing of that sort would ever take place, because the fees here are named by Statute, the registrar could not charge you more or less than a certain amount, as pointed out by law. The only difference in a salary would be, some think if he was paid by salary that perhaps he would not be quite as attentive to his office, he would take things easily, and of course everyone who comes in to do business in the office has to pay for the registering of any document, or pay for an abstract of title? A. My opinion would be he should be appointed by the Government, and come under the inspection of officers appointed by the Government.

Q. As at present they are. You do not think that if any of these gentlemen were appointed either by county council or vote of the people that it would be an improvement in the conduct of affairs? A. No; I think it would be against the good management of the office.

Q. Now, why would you think so? A. Well, the Government have good men to choose from, and they are very apt to choose good men. If not, the county or people doing business would very soon complain.

Mr. BROOKS: Q. Have you ever heard of any complaint of appointments made as to the character of men? A. Not as to character. Of course there will be complaints made on political grounds; that is the only complaint.

Mr. ROBINSON: Q. But no abuse of the office has taken place to your knowledge in this county? A. No; the registry office has been carried on very well. There have been no defaults. I have used it a good deal, but have never had any trouble.

Q. Would you say that as to the most of the business of the most of the officers in your county? A. Yes; the most of the officers the Government appoint are equal or ahead of any officers that the county appoint.

Q. When they are paid by fees does the registrar in your opinion receive a larger salary than he is fairly entitled to for the work he does? A. I don't know exactly what he does get. It has slipped my memory now. He paid back in '93 $177.91, and I fancy business has kind of fallen away a little. I think perhaps it was greater before '92.

Q. Does it not state in the report what he has received altogether? A. No.

Mr. BROOKS: Q. Have you any more than one registrar in your county? A. Yes; there is one in Durham. It is rather a smaller division he has though.

Mr. HOBSON: Q. Was that done at the request of the county? A. The registrar of South Grey paid back $101.

Q. Then of course you are in favor of the over-plus being paid back to the county? A. Oh, yes; it helps our funds.

Mr. HOBSON: Q. Besides, you give an equivalent in the shape of keeping up the office? A. We have to heat the office, and have the expense connected with the office. The sheriff's work is quite an expense to the county, and there are a great many other things we have to pay, such as the jury, and so on.

Mr. ROBINSON: Q. All those offices that are named there, in your opinion, there has been no ground of complaint for years back, neither has any taken place, but some of the offices that are not down there, take for instance the license inspector, has there been any trouble or any suggestion as to a change in his office? A. Well, there may be a feeling with some people, but with others it is all right. He is a pretty hot politician and of course they may get into trouble sometimes, in words, but outside of that, he is an efficient officer, and the business is carried on I think much better than under the old system.

Mr. HOBSON: Q. Do you think that these officers, license inspectors, and so on, should keep themselves free from taking any active part in politics? A. It is very hard for people to do it.

Q. But do you think he should keep free from active politics? Do you think he should allow himself to be a partisan? A. It might be better for the whole of us if we would keep free.

Q. It is a different question for a man appointed and paid by the Government, whether they should be paid by the Government and take an active part in elections? A. My impression is it would be better for themselves if they would not take an extremely active part.

Mr. ROBINSON: These men are not paid entirely by the Government, they are paid altogether by the local fees.

Mr. HOBSON: They are appointed by the Government but paid by license fees.

Mr. ROBINSON: Q. Has it come up for discussion at all in your council, the advantage of any change in the appointment of these different men, or the manner of their payment? A. I don't remember of any, by resolution: of course it may be talked of; they generally have a good many things talked of, but no resolution came before the chair as to any change.

Mr. BROOKS: Q. Do you know the question to be agitated among the people at all, as to the appointment? A. The appointment is agitated through the patrons of industry. I am one of them. I disagreed with them on this fee system, or the change of the fee system, and I fancy that it has not been done as the circular that passed round the different associations wished it to be done, but when it got to the Grand, they rather took advantage of it, and used it. That is my impression about that.

Mr. ROBINSON: Q. In what way do you say? A. Touching the fees, the resolution that went around would convey the idea that the fees were only paid by the people, but some of the officers get fees partly, and paid by the county partly, and by the Government partly. That is where the misapprehension, I think, came in.

Mr. BROOKS: Q. Do you believe in this system or practice of men holding these appointments, any of them, and holding them at such a salary or payment

that they can farm them out to deputies, who do all the work, and maybe pocket $2,000 or $3,000 without doing anything for it; would you have those men go to the office themselves and work for the money they receive? A. Take the registrar; the registrar should be master of the situation, and have authority to appoint his deputies, and the same with the sheriff. If it was not in that shape there might be friction between the two men.

Q. That is not just what I refer to. I will try and make my question plainer. It is said in places that registrars, sheriffs, and others receive, we will say, $2,000 as a salary or payment for their services; they hire all the work done for maybe $500 or $600, and they pocket the difference? A. Well, our registrar or sheriff could not pocket that.

Mr. ROBINSON: Q. That does not occur in your county? A. No; I do not know exactly what the deputy registrar or sheriffs get.

Mr. BROOKS. Q. What do you think a registrar or sheriff ought to receive, say in a county such as this? A. I suppose he has to give a large bond of security?

Mr. HOBSON: Yes. A. Well, in our county the registrar, I think, perhaps, should receive between $2,000 and $3,000; that would not be an extravagant amount; that is, and pay his office hands you mean?

Mr. BROOKS: Q. Yes. A. Well, you could not get at that, because you do not know what amount of work may be done. There may be new villages or new places laid out, and sell off very quickly, and the registrar's work may be increased to a greater amount.

Q. Yes; his time, like every other hired man, he has to put in; he has the year's service to give; what should he receive for the year's service? A. Without any fee to officers?

Q. Yes? A. And without these bonds?

Q. Of course, there is a responsibility connected with the office, but what salary ought the man to receive, assuming the responsibility of the duties of the office? A. Well, between $2,000 and $3,000 for the registrar, I think.

Mr. ROBINSON: Q. Do you look upon the sheriff's as a more responsible office; would you pay him better? A. Perhaps they are about equal. The sheriff has to deal with the courts, and he has pretty shrewd men to deal with Perhaps he has a greater responsibility. He has a great deal of travelling to do or to see that it is done right see that the printing of different notices is in proper shape.

Mr. BROOKS: Q. You have no reason to believe that he ever exceeds his duties, or takes advantage of the power in his hands; in some places, even in simple cases, they will travel and subpœna a great many witnesses on a case; perhaps at the trial not one-half of those witnesses are called, but he does it to make mileage, and so much for serving subpœnas, and so on? A. Well, my impression as to that is that if it is a criminal case; is it a criminal case you have reference to?

Q. Any case?

Mr. HOBSON: Q. He cannot subpœna witnesses unless he is instructed to do so.

The WITNESS: The county attorney would be the man to send the sheriff.

Mr. HOBSON: Q. I presume what Mr. Brooks means is, from your own knowledge, do you think that the bailiffs and Division Court clerks tend to promote litigation, and get people to go into litigation; do they advise them to do it, and get up cases, where under better advice they would be saved money in the way of litigation? A I have no knowledge of their doing it.

Mr. ROBINSON: Q. Besides, they are too sharply watched by the Government? A. They are watched, and generally there are legal men on both sides of the case, and it would soon leak out and be made capital of.

Q. Although you are a Patron of Industry you object to any of these offices being thrown open to popular vote? A. Oh, yes; certainly I do. I do not think that would do.

Q. You are in favor of the present payment by fees instead of salary? A. Yes; the men who use them should pay.

Q. Is there anything else that strikes you about which you wish to speak? A. No.

Mr. HOBSON: Q. There is one matter which has come up, that is the matter of auditing accounts. You are an old county councillor, and have had a good deal to do with the matter of auditing accounts. Would you be in favor of the county employing an expert auditor, or do you think that the men who are employed to do the work as a general thing are well fitted for it; there have been a good many defalcations of late? A. Our experience in the county of Grey is that we have got along all right. Yet, still the best man may not be appointed auditor. The way we generally do is to keep a pretty good man, and the warden generally appoints him, and the council elects the other.

Q. My reason for asking it is because there is rather a growing feeling in the direction of employing expert auditors. It has originated largely from the fact that there has been in the aggregate a large loss to the country through treasurers getting rid of county funds. A. That has never affected the county of Grey.

Q. I mean expert auditors or chartered accountants? A. The county can get them any time if they wish them. I think they can ask the Government to appoint an auditor or to send an auditor. We generally employ themselves and pay them. It has worked very well in our county. Of course, I know we read of defalcations and the counties losing lots of money, but whether experts would make it any better or not I do not know.

THOMAS ANDREWS, by request of the Commissioners, appeared before the Commissioners, and being interrogated stated as follows:

Mr. ROBINSON: Q. You are Reeve of Thornbury? A. I was at one time, I am not now Reeve.

Q. And you have been for some years in your township council or county council? A. I was five years in the county council.

Q. Have you had an opportunity of looking at the questions asked touching the appointment of sheriffs and registrars? A. That matter was discussed somewhat in the county council here.

Q. Speaking of the county council of Grey? A. Yes.

Q. It was spoken of but no resolution was moved, I think here, as the Warden told us? A. I think not.

Q. But it elicted some discussion amongst yourselves? A. Yes. There was some discussion.

Q. What is your opinion touching the manner of appointment as it at present exists by the Government? Would you have it changed and given to the county council or to the people? A. I think so. I think that the people that have the paying of the officials should be the parties who should have the appointment. That has always been my contention.

Q. When you say the people who have the paying, which officers in your opinion do the people pay? A. They pay the registrars and sheriffs.

Q. Not the people? A. The surroundings. There are not many suits brought from an outside county; there are a few, of course.

Q. For instance, does anyone pay a registrar outside of you and myself, if we have a deed or mortgage to register? A. No.

Q. And therefore why the people? A. That money is looked on as being a portion of the county, that is the way I have always looked on it; it is a county transaction, and it is something in my opinion like an hotel; we spend our money in the hotel, and two-thirds of it goes off to the city of Toronto, or somewhere else. I think if there is any money to be appropriated it should be in our own locality; if we put our money there let us have a division of it, although that is away from the question.

Q. I do not quite understand myself how the people pay the registrars and sheriffs, because the people, in my experience, have had nothing to do with the registrars or sheriffs? A. When I say the people, if I register a deed, or get an abstract, I pay it of course. Well, I am one of the people, and I am presumed to be a resident of the county, as it were, and I look on it that he is one of the officers of the county.

Q. But a great majority of the people in the county have nothing to do with the registry offices? A. Oh certainly, I will admit that. A great many even in a county have nothing to do with the hotels, but still that money is raised there, and the bulk of it is from the surroundings.

Mr. Hobson: Then you are in favor of popular election, or election by the people?

Mr. Robinson: We are talking of who should nominate them as it were? A. I do not quite understand that question as you put it. I think that the county council should have the jurisdiction, and the appointment of these things. I do not know as I would appeal to the people, because their representatives are in the county council, and they know what the people require, or should know.

Q. Do you think then that it would result in a better class of men being appointed to office? I ask that question, so as to get it where the gain would come in? A. Oh, I do not know whether we would get any better, but we would not be clothing any political party with all the powers that there are. I feel that we are giving too much political power to one man. I do not speak prejudicially of Mr. Mowat, but we should not be tied to any political party, or be

under any compliment to any political party in any way. A man who is holding a public office should be free and independent, and should have nothing to do with politics, similar to our judges; they seldom interfere with anything.

Mr. ROBINSON: They are appointed by the Government? A. Yes.

Q. In your opinion would the politics come into the appointments made by the county council? Wouldn't there be considerable wire-pulling and electioneering to get the office? A. There would be some wire-pulling, no doubt about that.

Mr. HOBSON: Then again, you take this county, is it likely that the members of the county council would have a better opportunity of knowing the fitness or the qualification of the candidates than the Government would have? You take the people away down in Markdale, and Shelburne, in this large county of yours, would there be a little difficulty come in in that way, and the people not have a knowledge of the qualification or the fitness of the candidate? A. There might be. Of course there would have to be an inspector, probably two or three, I presume in the county. The inspector would be appointed by the Government; that would be my view of the matter.

Q. What inspector? A. An inspector to see that all these men were competent, and qualified to do their duty, and did it well.

Q. But you would want a fit man to begin with? A. Yes.

Q. You would not leave him to be trained by the inspector? A. Oh yes. There is no trouble in getting educated men now. Forty or fifty years ago you might have a little trouble in getting an educated man. To-day all of our men are educated. To-day you find a man with a black coat on who thinks he can not work. I have seen men hunt around for three months for a job. They have been brought up on a farm. They want to be in an office, pushing a pen.

Mr. ROBINSON: Q. Upon whom would you place the responsibility of the proper conduct of these officials, if they were nominated by the county council? As the appointment stands the Government can be brought to book at once, as they are responsible to the people? A. Would not the county council be responsible to the people?

Q. Well, the county council you see is composed of forty or fifty men. The Government at the outside, the Cabinet of four or five. You can fix the responsibility where it belongs? A. The county council would have to appoint a committee. The county council is formed into committees, and there would have to be a committee whose jurisdiction it would be to look after certain work that would have to be performed. There is no doubt about that.

Q. You speak of inspectors to look after the business of these men? A. Unless the Government felt they would like to know about it, and have reports coming in as to the fitness of these men, and how the offices were being conducted and so on. That is one of the reasons I have, and I think the most of our officers are getting more salary than the times warrant.

Mr. HOBSON: Q. Do I understand you correctly that you favor the appointment by the county council? A. Yes.

Q. Then do you favor inspection by the Government? A. I do not think at present I would object to it at all.

Q. Do you favor it? A. I think I would.

Q. So as to have uniform inspection? A. Yes.

Q. You favor uniform inspection by a Government inspector? A. Yes.

Mr. ROBINSON: Q. Has there been any complaint against any of the officers in your county as to their conduct in public affairs? A. Well, no; not particularly. There was a little jar about the sheriff. There was a jury audit ordered, and about the time that was finished up, I dropped out of the county council; I resigned. I rather lost track of it.

Q. Would you have the deputies of these registrars and sheriffs appointed by the county council as well? A. No; I think I would allow the man who gets the appointment to have whatever assistance he wants, and choose his own assistants.

Mr. HOBSON: Q. Before we leave the matter of appointment, which of these officers would you favor being appointed by the county council? Registrar of deeds? A. Yes.

Q. Sheriffs? A. Yes.

Q. Local masters? A. There may be something there that I do not understand as to his duties.

Mr. ROBINSON: Q. That would be judicial? A. I think that they could be very well appointed by the county council too.

Mr. HOBSON: Q. All these officers, local and deputy registrars of the High Court of Justice, and so on? A. I do not know as I would go so far as that. That is a matter I have not given thought to, and I would not like to speak of it.

Q. Deputy clerks of the Crown? A. I think they would be all right to be appointed by the county.

Q. And clerks of the county court? A. Yes.

Q. Registrars of Surrogate Courts? A. Yes.

Q. County attorneys and clerks of the peace? A. The county attorney, of course, I do not know whether it would not be well to have the county attorney appointed by the people at the general elections. In my opinion that would not be a bad idea. It is a little fresh to me. I have not looked at the questions. I was hurried when I got them and laid them to one side. I thought they were similar to other circulars, and I laid it in a drawer, and it was just last night at four or five o'clock when I overhauled these things, and I says here, if I am wanted in Owen Sound, I have got to go at once. I had to start pretty early this morning.

Mr. ROBINSON: Q. Would you carry out your principle so far as to have the judges elected by the people? A. No, I do not think so. I have never heard any fault found with the judges. The judges are appointed of course, and I believe from what I have heard, that they are pretty well mixed in politics, so far as appointments are concerned. There are both sides of the question. They never interfere in any way in political affairs. I have never known them to.

There are one or two officers as to whose duties I said I did not quite understand, and as to these I do not wish to express an opinion.

Mr. ROBINSON: Q. In fact, you have never been in any of these offices yourself? A. No.

Q. How would you have them paid? Are you in favor of fees or salary? A. I would have them paid by salaries.

Q. And you are aware that the registrars and sheriffs are paid by fees? A. Yes.

Q. And where do you think would be the advantage in having them paid by salaries? A. I think it would be a saving to the community. I think a good many of those men get very large salaries. They get more in my opinion, to put it straight, than they earn. Take other classes, you can get a first-class bookkeeper at from $600 to $1,000 a year, and he will take full charge, work hard from early morning till late at night, and these men do not do any more; and, you take the ordinary merchant, and he puts $5,000 or $6,000 in his business, works hard all the year, and he cannot show many times in his balance sheet $1,500 of a profit. Then why should these men, because they are capable of holding office, get head and shoulders above everybody else? That is one of my reasons.

Mr. Hobson: Q. These bookkeepers that you speak of, I do not suppose they would have to give any bond, as an ordinary registrar? A. They have to give bonds if they go into the bank. Oh well, the bond is a mere matter of form anyway. For about $40 or $50 an insurance company will take hold and give bonds for them.

Mr. Robinson: Q. But not for large amounts. Registrars and sheriffs have to give heavy bonds? A. That should be considered. I am quite willing to weigh all those matters, and weigh them fairly.

Q. And you would also give due weight to the responsibility which they incur as to losses by their deputies? A. Yes; certainly I would. If any gentleman holding an office is subject to a suit being brought against him, why certainly he cannot be screwed right down to just a mere salary, because if a suit is brought, the gainer in the suit is a loser, as it were. Suppose he gains the suit, in every instance he would be money out of pocket.

Mr. Hobson: Q. What would you consider a fair salary for say a sheriff and registrar for a county, leaving out the larger cities, that is, net, after all expenses were paid?

Mr. Robinson: Q. Say in your county? A. From $1,200 to $1,500.

Q. For the sheriff or registrar? A. The sheriff I think ought to have more than the registrar.

Q. What would you put his at? A. Oh, from $1,500 to $1,800. Now that would have to be considered, as to the amount of bonds he has got to give. I want those men fairly well paid. I do not want to see any man working for nothing, but I do not believe that one portion of the community should be paid better than another, that is, to draw the line fairly, and they are only men like ourselves.

Mr. Robinson: Q. But you are aware now that the Government has given them what they think a fair salary, registrars and sheriffs, and the balance over that amount is handed over to the county. Are you in favor of that principle? What would you do with the balance that is paid to these men over and above their fair salary? A. I would hand it back to the county, certainly.

Q. You would not hand it back to the Government? A. Well, the Government would have to be recouped so far as the inspector goes. If they had the appointment of the inspector they would have to be recouped that.

Q. Any expense they were put to in watching these officers ought to come out of that fund? A. Yes.

Q. And the balance you would have placed to the credit of the county? A. Yes.

Q. Any complaint in your county as to the way in which Division Courts have been conducted, as to their clerks or bailiffs? A. No; I have not heard any, not particularly.

Q. Take license inspectors, they are not named in this list. Are you in favor of the present manner of appointment? A. Well, no; I think the people should appoint the inspector. My reason for it I will give you if you want it. We sometimes have merchants who fail in business, and we have farmers that fail, and mechanics that fail, that could fill some little petty office, and it would be a great source of pleasure if we could appoint a man, if he was capable of filling an office, into some of these little vacancies, so that he could earn a livleihood without going out-doors. You know how poor men have to put up with hardships, especially when getting old, and I think that these men should be appointed by the people, and the people will know pretty near what they require. Of course, there is the law laid down. They have got to go within the limits of the law.

Q. So that you would have the license inspectors appointed by the people? A. Yes; or by the county council. The county council represents the people in the immediate locality. I do not know as I would resort to just the municipal election, going all over; I have not given that consideration. Of course, the county council is looked upon as being our representatives in these localities.

Q. Are you aware of any petition or remonstrance? These license inspectors being appointed as you know entirely to carry out the Lisence or Liquor Law, and has any remonstrance come from any temperance society or organization as against the manner of the present appointment of these inspectors? A. I have not heard of any, sir; not in our immediate locality.

Q. Making allowance, as you say, however, for the losses they might sustain in the office of sheriff or registrar, would you then confine them to the discharge and conduct of their business alone in their office, or would you be in favor of their being allowed to do anything outside? A. That would depend somewhat upon the extent of their office. If their office was of such a nature that it required pretty nearly all their time, and their salary was what might be looked upon as a fair living, I should think they ought to dovote the whole of their time to their office. Many times these officers would have to have an assistant pretty nearly all the season, or may be the whole of the time.

Mr. HOBSON: If they followed any other business they would have to have an assistant. It would be necessary to have some one in the office during office hours at all times? A. We are trying to do away with monopoly. If you allow a man to run two or three businesses, and he is running a Government machine, he is doing perhaps better than he ought to do.

Mr. BROOKS: But you believe in these men going into the office to work themselves? A. Yes.

Q. And not farm it out to deputies? A. If the deputies have to do all the work, pay the deputy; let the boss go out, let the deputy be the boss.

Mr. ROBINSON: Do you hear at all of the system that prevails in the States of election to public offices? Have you lived there? A. No; never lived there. I know nothing except from hearsay.

Mr. BROOKS: Do you approve of superannuation funds to any of these public officers? A. Well, not in every case. There may be isolated cases that I would. Of course, if a man has given a very long time, if he has devoted thirty or forty years to the service, and has been in a manner prevented from extending his business, just a mere living, I think he should be provided for. I do not wish to be niggardly. I would not like to see any Government niggardly. I would like to see the men well and fairly paid.

Q. But if they are well and fairly paid during the term of office, should not that do? A. It is true that is to be considered. Of course a small amount, I would not say they would get an amount equivalent to their salary. However, this is a new thing, and I see of late that they are beginning to form insurance companies. They are depositing so much money each and every year, and if anything happens they get back a portion of it. It is not a bad idea. If a man has an object in saving money, the chances are he is going to carry out that object. It is a good principle, I think, especially with men living in towns, there are so many inducements to throw away money.

Mr. BROOKS: Do you think it would give better satisfaction to the public if they knew these men were paid by a straight salary, if they knew exactly what they received? A. Yes; I think so.

Mr. ROBINSON: You cannot speak as to the present officials in your county being overpaid, the sheriff and registrar? A. I do not know what they are getting exactly, except through the papers. Sometimes these things are magnified. I am just inclined to give you my idea as to what they should get, and of course if they get more than that they are well paid. That is all. I know what the reports say they get, but I do not know.

WILLIAM R. ARMSTRONG, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Mr. ROBINSON: Q. You are county attorney? A. Yes.

Q. How long have you held the office? A. Not very long. About a year now.

Q. Have you resided in this county before? A. I have been here clerk of the peace for forty years.

Q. Before you succeeded to the office of county attorney? A. Politics kept me out of it; that was all.

Q. Have seen the questions submitted to the different gentlemen? A. I have seen nothing whatever. I should not have appeared to-day. I just came up to hear the proceedings. I spoke to the sheriff, and that gentleman happened to be conversing with me.

Q. And asked you to give your opinion? A. Yes.

Q. As you have been kind enough to come let us have your opinion about the appointment of registrars and sheriffs. Would you have them elected by the people or nominated by the people or county council? A. I would think if they were elected by the people unlimited evil must creep in and great dissatisfaction. There may be dissatisfaction now, slightly felt, and perhaps expressed, but at the same time most undoubtedly it would be worse if they were elected, because there would be so many applicants for the office, there would be much wire-pulling in the council, that it would be unsatisfactory, most undoubtedly.

Q. That is from your experience in the country? A. Yes, from what I know of the people. I have had an opportunity of knowing perhaps as much as anyone.

Q. Would you have them paid in the shape that they are now, paid by fees? A. Well, indeed it would be an advantage to be paid by a reasonable salary. I think so.

Q. It would be an advantage in what respect? A. Well, for instance, as far as I am concerned, my fees amount under the present system of audit to a very trifle. For county attorney and clerk of the peace I have not received $900 for both offices for one year.

Q. Does that mean $900 clear to yourself after paying expenses? A. Well, in fact the proceeds of the office.

Q. Out of which you have got to pay expenses? A. The gross income from the whole office.

Q. Then there is not much law going on here locally? A. We have very few cases at the sessions. At the last assizes we had three cases, and those were, of course not given to me, not being a supporter of Mr. Mowat, though I take no particular part in politics.

Q. We do not allude to politics here. A. I was a Conservative before my appointment. No one can say I have ever opposed Mr. Mowat. I would like to bring before you the unfair manner in which the auditors have treated my accounts.

Q. That is between you and the town? A. That is between myself and the county.

Q. Then that is not a matter to be investigated by us.

JOHN HERALD, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are the mayor of Kingston? A. Yes.

Q. Is this your first experience as a municipal officer? A. I was alderman for three years before my election as mayor.

Q. Have you seen this list of questions? A. I have just had them a few minutes ago.

Q. Would you advise any change in the present method of Government appointment of these officers? A. I think that those whose duties are mainly local should be appointed and paid by the local authorities.

Q. What would you include in that? A. Registrar of deeds, sheriff, Division Court clerks and Division Court bailiffs. I think that their duties are mainly local, as I understand it.

Q. What local authorities should appoint them? A. They should not be elected by popular vote.

Q. For how long would you have them appointed? A. Permanently on good behavior.

Q Would you have the municipal council pay these officers? A. That would depend on who received the fees from the office. I think the payment should be by those who appointed them.

Q. In the case of sheriffs, might not you have a difficulty in enforcing laws that were unpopular in certain localities? Take, for instance, the liquor law, a general law of the country, but in some counties a very unpopular law, where people do not believe in it. Do not you think that that law would be likely to be very feebly enforced, or perhaps not enforced at all, if the sheriff felt that he represented simply the county council and not the general Government, as he does at present? A. Of course, that would depend very much upon the character of the man who was appointed. If he felt the responsibility of his office he would enforce the law.

Q. Take the sort of man that county councils would appoint. We have not heard that they would appoint the very best men to the places. Do you think that the men whom county councils would appoint would be men to resist the influence of their surroundings in reference to an unpopular law, so as to enforce it at the risk of being turned out by the council? A. I see no reason why they should not appoint good men.

Q. The sheriff under that system would be subject to local influence more than if he were appointed by the general Government. A. Certainly.

Q. But you think nevertheless that an unpopular law would be enforced as well as if the sheriff were appointed by the provincial Government. A. Yes.

Q. How many councillors are there in the city council? A. Twenty-one and the mayor, twenty-two.

Q. How would you arrange where you had the city council separate from the county council and one sheriff for both the city and the county? A. There would either have to be a separate sheriff for the two districts or an agreement to leave the appointment of sheriff in the hands of a joint committee of the two bodies.

Q. And the same with the registrars?

Mr. Hobson: Q. In this county you have two registrars? A. Yes.

The Chairman: Q. How is it that you think the sheriff is a local officer? He is an officer of all the courts in the execution of judgments. All judgments and decrees are in his hands, of the courts—of the highest courts in the land. The county courts, the superior court, the courts of appeal. His duties are of that character? A. But confined to the municipality.

Q. He levies execution in the municipality, but he obeys authorities which are higher than the county council. He obeys the authority of the courts of the

land, and in many cases acts under the statutes, as in elections, and so on. But you think that because his jurisdiction is bounded by the county that he is a local officer in that sense? A. Yes.

Mr. MASON: Q. Why is he more local than a county judge?

The CHAIRMAN: Q. Would you approve of the county judge, for instance, being appointed by the county? A. I would approve of no judge being appointed by the county. As I understand it, the county judges frequently interchange their duties.

Mr. MASON: That is only by agreement.

The CHAIRMAN: Q. The county attorneys would be local officers in the same way, if you apply that rule, because their duties are co-terminous with the county? A. Their duties are more legal.

Mr. MASON: Q. Are not the duties of the sheriff legal altogether? A. Under instructions from the courts. The same as the bailiffs of the division courts.

Q. But the bailiffs of the division courts are under the control of the county judge, and the sheriff is not.

The CHAIRMAN: Q. Under our system the sheriffs of the counties are the officers of the Supreme Court and the Court of Exchequer. The Dominion Government recognizes our sheriffs; that is, our sheriff is recognized as a Dominion officer, he being a provincial and not a municipal officer. Having regard to that, do not you think that the fact of making him a county officer would result in the Dominion Government appointing sheriffs of their own? A. If they recognize a provincial sheriff, why should not they recognize a county sheriff?

Q. He would not be an officer of the crown. He is at present a crown officer, appointed by the Provincial Government, and the other Government can properly recognize him. But, if appointed by the counties, he would not be a crown officer, and the Dominion Government could not recognize him. It would probably end in another sheriff being appointed for the Dominion of Canada. That is the system in the States. There are State sheriffs, who perform the duties of the State, and are elected by the people; then there are the marshals of the supreme courts, who are precisely the same officers as sheriffs, and doing the same duties. Very likely the choice of sheriffs by counties would result in a similar system here. That would not be desirable, I suppose. You do not want to increase the expense? A. No.

Q. Then as to the payment of these officers, how would you deal with it? A. I think they should all be paid by salary.

Q. County attorneys and clerks of the peace? A. Yes.

Q. On what do you base that? A. On the amount of work that has been done by the officers for a period of years past, taking an average.

Q. Then, what in your opinion would be a fair remuneration? You can perhaps express an opinion on the salaries of registrars; treating them as county officers now, what would be a fair amount to give registrars and sheriffs? A. That would vary with the different counties.

Q. In this county or this city? A. I would not like to say, without knowing the amount of fees.

The CHAIRMAN: Have you the figures there, Mr. Mason?

Mr. MASON: The registrar received net $557, in the city of Kingston. That is his share. The total receipts were $1,118; expenses, $561; leaving $557. In Frontenac the total receipts were $2,116; expenses, $478; net revenue, $1,630.

The CHAIRMAN: Q. Under the new law there would be some surplus to account for in the latter case. What do you think? A. I think, considering the size of Kingston, that $1,000 would be a fair remuneration.

Q. What do you think would be a fair amount for the county? A. $1,500. I would make it up from the average of the fees received.

Q. Then you would not allow any percentages above the amount fixed? A. I think it is better for the people to know definitely what the officer receives.

Q. Would you put the sheriff on a higher compensation? A. Yes, I think so.

Mr. HOBSON: Q. Suppose that either in the case of the sheriff or the registrar the fees were not enough for a fair living, would you advise an addition from any other source; for instance, as in Kingston? A. In Kingston the registrar does not do the work at all. His deputy does it.

Q. Would you advise supplementing from some other source? A. I would recommend an average being taken for some years past.

Q. Even if $300 or $400? A. Yes.

The CHAIRMAN: Q. You would not have that subject to fluctuation? A. Unless the business was very much increasing, then the appointing body could increase the salary.

Mr. HOBSON: Q. Would you allow a man to do anything else? A. In a small place, where the revenue was not sufficient to keep him, certainly.

Q. Somebody would have to be in attendance all the time? A. Yes.

Mr. MASON: Q. One man could do all the work of the Kingston office himself? A. Yes; that is where the abuse is.

The CHAIRMAN: Q. As to license inspectors and license commissioners, should the appointment be continued in the hands of the Government or put into the hands of the municipality? A. I think they should be in the hands of the municipalities, and that in cities they should be in the hands of the police commissioners. In counties, in the hands of the council.

Mr. MASON: Q. The police commissioners should appoint the license commissioners? A. Yes.

The CHAIRMAN: Q. Why do you advocate a change in that? A. Because these license inspectors and commissioners have to do with a very large class of people throughout the country whom they may influence either in one way or the other.

Q. From a party point of view, on political matters? A. Yes.

Q. And the objection rests on that, that they may use or do use their position in that way? A. May, yes; I do not say that they do.

Q. And it is open to the suspicion that they may influence voters? A. Yes.

A COMMISSIONER: Q. Is not that as likely under your proposed change? A. Yes; but it is distributed in that way. Different counties have different political leanings, and it would be used in one county on one side and in another county on the other side.

The CHAIRMAN: Q. If it were the rule that these officers should abstain from active participation in party politics, would not that be a remedy? A. I do not think so. They might not openly take part in politics, but they might do it in a more dangerous way.

Q. Is the liquor law likely to be enforced as well if it is left in the hands of the county, if the commissioners are appointed by the county? Would not they be open to the influences of the hotel keeper? A. They would also be open to the influence of those who are opposed to the hotel people.

Q. But in enforcing the liquor law I understand that the appointment was taken from the counties before, just because the liquor law was not enforced, and put it in the hands of Government officers to see that it was enforced. Do you apprehend any danger would arise from that? A. I think that if the people are not in favor of enforcing the law, the law will fail.

Q. It depends on the state of public opinion in regard to the law? A. Does it not under the present system?

Q. Well, I do not know? A. I think it does.

Q. I suppose all these laws would depend for their enforcement upon public opinion in the ultimate result.

Mr. MASON: Q. You have no personal recollection of the causes that led up to the changes in the system? A. No.

Mr. ROBINSON: What is your idea of the payment of deputies; would you have them appointed by the Government or by the chief? A. With the approval of the chief. If you hold the chief responsible for the work done in his office, it is manifestly unfair to put a man in there to whom he may be opposed and in whom he may have no confidence.

Mr. BROOKS: Q. Do you approve of the principle of superannuation—of men receiving pay who are not engaged in the work? A. When a man has served his lifetime in an office and had a poor living, there should be a superannuation allowance, either direct from the appointing body or by a tariff levied from those who hold office and put into a general fund.

The CHAIRMAN: Q. In the case of sheriffs, the general returns show that only about one-sixth of their income is paid by the county, two-sixths is paid by the Government and the rest comes out of the suiters, the litigants. If the payment of the sheriffs were in the hands of the counties, they would have to shoulder the whole expense; you would not expect the Government to contribute? A. Certainly not; but that amount of his revenue which now comes from the litigants should go towards his maintenance.

Q. The county should take the whole, and you think the burden on them should not be greater? A. You say two-sixths is paid by the Government?

Q. Yes; the greater part of the expenses of criminal justice come in that way—juries, and so on.

MICHAEL MacNAMARA, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

Q. What municipal office have you filled? A. I have been in the town council of Cornwall.

Q. Have you any opinion on the manner of appointing these officers—sheriffs, registrars, clerks of the County Court, county attorneys? A. I have, sir.

Q. What is it? A. Just to leave matters as they are.

Q. You think they would not be bettered by any change such as suggested? A. In my opinion they would not.

Q. What about the license commissioners and inspectors? A. I think the present system is an improvement on the old system.

Q. The old system was to have the councillors appoint them? A. Yes.

Q. That was changed, and you think for the better? A. I do, sir.

Q. Why was it changed? A. I could not say. There was a great deal of local squabbling about it, and I think it is better in the hands of the Government.

Q. What are the objections to the people electing by direct vote? They elect now, really, by their representatives; but why do you think that by electing the officials by public vote would not be a good thing? A. I am very well satisfied with matters as they are, in general, right straight through. I do not want any change. The only change I think advisable is to leave off a great many members of the county council. I would have only one representative from each township; only one.

Mr. HOBSON: Q. You think that would work better? A. We would benefit in our pockets, and they would work better too.

Q. How would you deal with the officials in the matter of payment? A. I was listening to some of the evidence given here; and I think that when a man's whole time is devoted to his office, and he cannot engage in any other business, that should be taken into consideration and he should get a fair remuneration.

Mr. MASON: Q. A fair living salary? A. A fair living salary. That is what I think.

The CHAIRMAN: Q. And these amounts which have been fixed—$1,500 for registrars, and $2,000 for sheriffs, are not too much, all their time being given to the work? They do not come up to that in your county, but that is a sort of standard that has been fixed by the Government. Do you think that that is too much all over the country? A. I am not very well posted on that point; but with a man of education and intelligence, who gives security, and all things considered, I think it is not out of the way.

ANDREW HARKNESS, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. Where do you live, doctor? A. In Lancaster.

Q. Have you been in any office? A. No, sir.

Q. You have been living sometime in the county? A. 24 years.

Q. A medical practitioner? A. Yes.

Q. Have you any opinion to offer on the manner of appointment of these different officers referred to in this list of questions. They are all appointed by the Government at present; and the questions is whether there should be any change in the way of putting the appointment in the hands of the county councils or in the hands of the people, or any other change. These are the two prominent methods you have heard about? A. This list does not comprise the whole of the Government patronage.

Q. They include the ones that are remunerated to any great extent? A. The greatest amount of political influence that is wielded by the Government officials rests with the license commissioners and license inspectors. They govern the hotel influence; and that is the largest political engine that the Government can wield; at least, so I consider it.

Q. Well, take those in besides? A. The registrar of deeds has not anything to do with political patronage. He does not control any particular votes as a part of his office. It simply is an office to which a political partisan may aspire as the reward of his services to his party under the present system.

Q. Taking the present system as we have it, do you suggest anything in the way of changing the method of appointment of these officers, as to any or all of them. The question as to whether the officer being appointed, should deal actively with electioneering, is another line of inquiry. Take first the question of appointment? A. I think the present system is probably about the worst we could have.

Mr. Hobson: Q. The system of appointment? A. Yes. The present system of appointment is about the worst we could have. The only rival that it could have as an evil system would be the elective one, as it is in the United States.

Q. Then what do you think is the best way? A. You hardly do justice to a man by asking him that question without giving him time for consideration. I was summoned late yesterday by telegram; had to get up early to get here; and it is hardly giving a man a fair deal to ask him for an opinion on an important question like that without giving time for mature consideration. However, as far as I can see at present, I think that one of the best systems we could adopt is this. We claim to be British, and we take a good deal of credit to ourselves and have a good deal of justifiable pride in being British subjects, and where we can do so without doing anything detrimental to ourselves we like to keep British ideas in force. Why would it not be better to keep to the British idea, and have appointments made by merit? Instead of, as at present. The idea was suggested to me by an address delivered the other evening.

Q. A system of examination? A. System of examination. Let our officials be appointed, not as a reward for political services, but as the result of their own fitness for office. Let them be appointed by a board of examiners, appointed as our judges are appointed, so as to be above suspicion. Our judges so far have been appointed in a manner which has rendered them above suspicion of partyism or party predilections. Let this board of commissioners be appointed to examine aspirants for the different offices, and let the office go to him who is best fitted for it.

Q. Or let the Government choose from those who have passed the examination? A. From those who are best qualified; so as to do away with the system of appointing as a reward for party services rendered and to be rendered.

Mr. Hobson: Q. But so you think that there is much exception to be taken to the appointments already made. That is, that the officers have not shown themselves fairly competent men? A. I am not saying anything with regard to them. I think the Government have appointed probably just as good men as any other Government would have appointed.

Q. For instance, do you think that the registrars and sheriffs are fair efficient men as far as you have known? A. As far as my knowledge goes, they are. I am not finding any fault with the way they have performed their duties. They have no particular political power after receiving the appointment. But it is when the appointments are made and when the Government officials have power in their hands to make their influence felt on behalf of the Government, that is where the evil of official appointment comes in. It is said that Government by a benevolent despot is the best, but we are all human, and we are all subject to the influence of human self-interest; and when you have men who hold their offices by virtue of the continuance of the Government in power, they are very likely to bring their influence to bear on men whom they can influence to make these men vote in accordance with their wishes. I have known instances of this kind in my own personal experience.

Q. The mischief arises in what class of Government officials? A. The only cases that I have known are those of the license commissioners and inspectors.

Q. Then if the rule were that Government officers should abstain from active participation in politics, would not that remedy what you complain of? A. Yes; if it were the invariable rule. But you would still have the appointments the subject of partisanship. Men elected to fill public offices are elected to serve the public, and they should be appointed because of their fitness to serve the public, and not because of any services they may have rendered to any political party. I am not speaking of one political party or the other; I am speaking of all political parties. This immense machinery that is in the hands of the Government—the worse they are the more difficult it is to oust them from power.

Q. What you refer to would not be remedied either by giving the appointing power to the county council or to the direct vote of the people? A. It might be remedied to a certain extent by giving it to the county councils; if the county council were not governed by the same considerations as the Government. But a commission would be very much better. I must give Mr. McGillivray credit for this idea of the commission; he mentioned it in an address the other evening. I have never given this subject any thought, but I read his address the other evening, and I thought it was a good idea. Let that commission be like Cæsar's wife, above suspicion; let it be like our judges, and let it be appointed in the same way; then it would make but little difference whether the county council or the local Government had the power to appoint those selected by the commission. The ratification of the appointment would not mean a great deal then. But of all systems, preserve us from following the American.

A Commissioner: Q. Would you think appointment by the county council preferable to the present system of advancement? Of course, many ways may be suggested; but would you approve of appointment by the county council in preference to the present method? A. In preference to the present method, I would.

The Chairman: Q. You would not think that political influence would come in there? A. It could not be brought in to such an extent.

Q. Political or sectional influence; but you would not have the same gigantic machine in operation.

Q. It would be broken up amongst the counties instead of being concentrated? A. Yes; I do not think this method would get rid of the evils together; but it is the lesser of the two evils.

Q. But suppose that you were to give the county council the power of nominating a list of men who were suitable for the offices, from which the Government would appoint; would that remedy what you complain of in the way of partisanship? A. I don't think it would. I do not think it would remedy it nearly so well as a commission.

Q. Is your commission a distinct thing from the examination? A. What I mean by the commission is an examining body. That examining body would be a commission to examine candidates.

A. COMMISSIONER: Q. Suppose there are half a dozen candidates. It is not a difficult matter for a good business man to fit himself fully to do the work of a registry office. It would then after all be a matter of choice. It is not like the case of many other officers, who require long years of study to perfect them in their duties, in the details of their work. After all, a good business man can fit himself readily for the work of a registry office. Would it not then come down to a matter of choice? A. To a certain extent you would have a choice? It is not the registrars I am finding fault with at all. It is the system I object to.

Q. By having this board of commissioners you would be creating more machinery? A. Certainly; but if we can derive a benefit from an extra machine, it is a pretty good idea.

The CHAIRMAN: Q. Then the idea would be to have a resident board to select or ascertain people qualified for appointment, and from these let the Government appoint? A. Yes; if it would not be too cumbersome a machine. But if you want the unbiased voice of the electorate you must get rid of the large amount of Government patronage that is being exercised to-day.

Mr. ROBINSON: How would you have the officials controlled when in office? A. I would have them controlled by the proper performance of their duties.

Mr. HOBSON: Q. By the Government, or the county council, or by whom? A. You might allow any charges to be brought by the commissioners, if you thought fit. Their judgement would perhaps be as good as any others. You must remember that this is a hurried opinion on my part. I did not know what I was wanted for until I came up here.

Mr. HOBSON: Q. Perhaps it is hardly fair to you to sift the matter too much? A. I have no doubt as to the iniquity of the present system. There is no doubt that our licence commissioners all through the province exercise a large amount of political influence.

The CHAIRMAN: Q. What would you do in reference to their appointment? A. I certainly would give the appointment of the license commissioners and license inspectors back to the county councils.

Mr. HOBSON: Q. Do you think that the councils would like to get it back into their hands? A. I don't know whether they would or not. But it would

be better for the county at large. Give a good Government the license patronage in a province, and it is pretty hard to defeat them in a closely contested constituency.

Q. What about a license commissioner being dependent for his appointment the votes in the county council; would not he display favoritism? A. Perhaps he might.

Q. Do you think he would be likely to do so, from your knowledge of human nature? A. I suppose a man who will sin in one quarter of the globe will sin in another.

Q. In other words, he would sin whether appointed by the Goverment or by the county? A. Yes; but the influence would not be so widespread, not so universal, and it would be easier to arrive at in the county council than in the case of the Government. The further a man is away from the Goverment the harder it is to strike him. The larger a Government the more powerful they are and the more difficult it is for any individual to reach them. The county council is much more easily reached.

The CHAIRMAN: Q. Then, however it would be accomplished, you would favor the decentralization of the appointment of license-officers—however accomplished? A. Yes; I would not make it elective; I would give it to the county councils. Perhaps it would not be amiss to add the co-operation of the county judge in connection with the appointment.

Q. Suppose you let the county judge make all the appointments for license commissioners and license inspectors? A. Well you might do worse.

Mr. HOBSON: Q. Judges are human; would not they appoint their own friends? A. Give me a second thought on that. It would be a false position to place a man in; because however just and honest he may be, he would render himself liable to public odium anyway. I think it would be a wrong position to place a judge in; it would mix him up in local politics, and would have a tendency to bring our judges into bad odor. They stand very high now, and we want to keep them so.

The CHAIRMAN: Q. Then as to remuneration. Taking it for granted that the fee system is to be continued—that the people served are to pay for the services—what do you recommend? A. I think the fee system is a good one. I do not think a man will work half as well for bread that is earned as he will for what he has to earn. But I do not see why we should have a sheriff in any shrivalty in the province receiving a bigger salary than a minister of state. I think there ought to be a limit to fees of all descriptions. I do not think there would be any risk in not having a limit to the smallness of them; but there should be a limit the other way. You may establish it at what you like—two thousand, two thousand five hundred, or three thousand. Give him a percentage of the fees over and above a certain figure.

Q. The present system gives registrars fifteen hundred dollars and sheriffs two thousand dollars out of the fees, and a percentage above those amounts. That is rather on the low side according to what you have been saying? A. What is the percentage above that?

Q. It is on a graded scale, beginning at ten per cent.? A. That system I consider a good one; the principle is good. The individual operation of it might be open to objection, but the principle of giving on a graded scale over and above a certain fixed salary is certainly a good one.

Q. Then the percentages might go off from $150 to $200, or something like that? A. I think that would be very well. How would you know just what they received as salaries; who would audit their books?

Q. Do you recommend an audit by professional auditors? A. What is the good of an auditor if he does not know how?

Mr. Hobson: Q. You are in favor of a regular chartered auditor? A. Certainly. I think a man who performs an important function like that should be thoroughly qualified.

JOHN SMITH, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

I have been eighteen years in Barrie.

Q. In that time have you occupied any municipal office? A. No, sir.

Q. Just been carrying on your business? A. Yes.

Q. What would you desire to speak to the Commission about? Have you formed an opinion on any of these matters? A. Well, I would differ with the gentleman in regard to the Government having the appointment of the officials.

Q. Speaking of what office? A. I just say, a year ago in this county, in this town, we had a municipal election. There was a by-law submitted to the people of this town, to see whether we would have a reduction in the licenses or not. It was carried by the people that we would have no reduction, and in direct opposition to the people the Commissioners go to Mr. Webb and take his license away from him. I think that was an injustice.

Mr. Hobson: Is not that a purely local matter, Mr. Chairman?

Mr. Robinson: The gentleman referred to it as a local question. At any rate, you just state that fact. A. It is not my opinion, nor is it a local matter. It is a matter of the principal of the Patrons of Industry at the present time. They believe that the people should have the appointment of the officials.

Q. That is what you believe in? A. I do.

Mr. Mason: Then this man's license should not have been taken away? A. And I believe also that we would have not any more partiality by the council, on either side, than we would have from either Government if they were in power, that there would be just as much selfishness on the part of the Government as on the part of the people.

Q. By the people do you mean the municipal council? A. Well, the county council has the granting of the licenses.

Mr. Robinson: Q. Or do you mean a popular vote? A. I would be in favor of that for the county.

Q. For people to vote, say that John Jones, and so on, should have a license? A. Yes.

Mr. Hobson: Have you any idea what it would cost to elect a license inspector for the county? In the first place what method would you adopt? How would the man be brought out? By caucus or otherwise? A. Bring out both parties; the best man will get the popular vote.

Mr. MASON: You say both parties. What parties? A. I don't care much about party, I am not in party, I am independent.

Q. But you said both parties. I do not know what you mean? A. Well, if there were only two parties, or if there were three parties, I say let the people have the say.

Q. You mean it should be a political election? A. I mean the voice of the people should have the preference.

Mr. ROBINSON: Should prevail? A. Yes.

Q. Give us a reason why? A. Well, the people would be better satisfied; they are not satisfied the way it is now. I can speak for the town of Barrie in the case of our municipal election, and this county feels it was an injustice; and I can say this, that I have seen some trials in this court. I know one man in Minissing that brought a trial up before Mr. Bird and Mr. Ross, and he proved his case, and the reply made to him was: "You are a lot of temperance cranks out in Minissing, and we will take no stock in it." I consider that a police magistrate appointed by the Government is just as much prejudiced to the Government as a man would be to either party.

Mr. MASON: Q. Do you not think if he were elected by the people you might get the same kind of man? A. The people would be better satisfied. I think the law would be better carried out. I was a supporter of the Scott Act for four years and fought hard on those lines, and I think if the Ontario Government had done their duty to enforce the law it would have been carried out better than it has been carried out in this town. It was the question of dispute between the two parties to say who had the right to carry out the law, and neither of them I believe wanted to carry them out, and I do not think they do to-day.

Q. How many licenses are there in Barrie to-day? A. I think twelve hotels.

Q. How many were there five years ago? A. I do not know that there were any more than that; a couple of them failed here. The business has not been very successful lately. Times are too hard and the expense of running the country is too much, the officials.

Q. Is there anything else that strikes you? A. No.

Mr. MASON: A. You want a new police magistrate and a license for Mr. Webb? A. I believe if the people of this town had the appointment of a police magistrate we would not have the one we have got.

Q. You might have a worse one? A. That might be, but I am giving my opinion.

A. GIFFORD, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Have you held any municipal offices? A. Yes; I have been in the county council of the county of Grey.

Q. What is the population of that county? A. Something over eighty thousand the last census I think.

Q. What opinion have you formed as to the appointment of officers under consideration? A. I only received the letter last evening, so I have not had much time to inform myself in regard to some of the offices. Of course in the case of registrars and sheriffs and some of those who are more particularly county officers, I have had an opinion all the time. I think all those whose duties are confined to the county, or who are acting as county officials, should be elected by the people of the counties in which they perform their duties.

Q. Why do you think that? A. I think if the people elected these officials to hold their positions during good behavior, they would select the men best suited to the office, whereas now they are appointed on the ground of past service to the party, without considering their fitness for the office. My experience is that the sitting member or the defeated candidate in each constituency holds the patronage in his hands, and nominates the person to fill the position.

Q. Of course the Government takes the responsibility for the appointment? A. Yes; but you see when a defeated candidate has the nomination of the officer, the official is really the nominee of the representative of the minority in the constituency.

Q. And you think the same efficiency is not secured by the present system as would be the case under the elective system? A. It appears to me that it is hardly possible to secure it. Another thing which seems to me to lessen the efficiency of the man who is appointed as compared with one who is elected is that the man who is appointed knows that the Government is responsible for his appointment, and he feels that the Government stands between him and the people, and if he does not happen to discharge his duties as he ought the responsibility falls upon someone else instead of himself. If he were elected he would have to bear the whole responsibility himself; no person else would be involved with him.

Q. You spoke particularly of the sheriffs and registrars; would you favor the election of county crown attorneys? A. Yes; I think it is desirable to elect all whose duties are mainly confined to efforts connected with the counties in which they reside, though of course I have not informed myself fully with regard to those. Of course I know from my position as a magistrate pretty well what the duties of the county crown attorney are, and the Surrogate Court registrars, but not the whole of them. I know that their fees do not come directly from those with whom they do business.

Q. Then as to the manner of remuneration, what do you say as to that? A. I think they should be paid by fees in all cases where it is possible; those who do business with them should pay for their services.

Q. If the fees are not sufficient to give the officer a fair living salary, should the officer get more? A. I think with Mr. Mallory that there should be a maximum salary for all the officers, and anything received above that should go to the municipalities.

Q. Suppose the fees do not amount to enough to give a man a fair living salary, would you say they should be added to from some other source? A. I would not be disposed to give him any more out of the public funds, but as has already been said, I think it would be quite right to allow him to supplement his income by any other work he could do for himself.

Q. In regard to registrars, would you favor a system under which all the fees from registry offices would be funded and salaries paid throughout the

county, so that where there is in one county a shortage, the officer would get his salary out of the surplus from other counties? A. No; I would not be in favor of that, I think if he has not the work to do he is not entitled to a salary from the public.

Q. Under the present system a registry office has to be kept open during certain hours every day; even if only one man should come there in a day; the registrar has to be there during those hours; ought not he to get more than the fees in that case? A. Well, I would allow him to exercise some other calling; for instance, he could act as a conveyancer, or any work that he could discharge of an official character. It struck me in looking over this list as I was coming down here this morning that some of these offices might be economically united under one head.

Q. How would you arrange for that consolidation? A. That would have to be left to the Government.

Q. Would you base that system having regard to the population? A. I think so, and the amount of business done.

Q. Then as to the maximum compensation of registrars? A. I think with Mr. Mallory that $1,500 would be the maximum salary in every case.

Q. For registrars and sheriffs in country places? A. Well, it appears to me that would suffice; all should be placed on an equal footing.

Mr. HOBSON: Q. It costs more to live in a city like Toronto, and the responsibility of the office is much greater than in many of the counties. The sheriff runs the risk of being brought in for damages? A. More than in the counties?

Q. There is much more business passing through the office, and the responsibility increases in the same proportion. Would you make any allowance for that? A. Of course, if there was more business done he would require more assistance; it seems to me that an official could discharge his portion of the duties for that amount. Of course this is only my opinion.

The CHAIRMAN: Q. Then as to the clerks of the County Court and the registrar of the Surrogate Court, do you form any opinion as to their remuneration? A. Well, their duties are not so heavy, they certainly ought not to get as much as the sheriffs, but I am not prepared to state the amount. Certainly it should not exceed that of the sheriff.

Q. County crown attorneys, what do you think about their compensation? A. I think $1,000 ought to be ample for them.

Q. Is the time of the county attorney devoted to other work to any extent? A. I think he practises; our late county attorney followed his profession steadily; I do not think our present one does much.

Q. Division Court clerks and bailiffs? A. I think $500 or $600 would be ample for the work of our Division Court clerks do at present.

Q. Do you know of any objection to those officers, and complaint that they foment litigation in order to increase their fees? A. I have never heard anything of that kind in our county, although I have heard of it in others.

Q. With regard to electing these officers, do you think the party feeling which runs so high in that county would be suddenly calmed on the election of

these officers? A. Well, the people themselves would not be in a position to charge the party with having made a mistake.

Q. Would they not divide on party lines? A. I do not think they would; that is why I advocate this system, because I believe they would unite on the best men.

Q. Are not the duties of many of these offices such as any good level-headed men could perform? A. Well, that is what we think; the registrars, for instance.

Q. And would it make any difference having them elected by the people? A. Only that we think it would relieve them from the influence of party and secure the best men.

Q. Is it not rather a question of who shall exercise the patronage; is not it to conciliate the people you would give them the power of electing the officers instead of leaving it in the hands of their representatives? A. No; my idea is to secure the best men.

Q. Why would not the county council be able to make as good a selection as the people would by election? A. From our experience in appointments of that kind, we find that they would be anxious to conciliate their particular supporters as the Government would be.

Q. Then you do not apprehend any danger from that which is a crying evil in the States, the formation of rings and the getting up of caucuses, and forming lists to run on the general system by the wire pullers of the different districts and localities. That is an evil they are trying to get rid of there. Do you apprehend that the same evil would arise at the election of these different officers by the people? A. Well, of course my opinion is only formed from report with reference to the United States system. But the very fact of their elections being conducted in the way they are, periodically, keeps their officials constantly on the alert to keep themselves solid with the electors, instead of devoting their attention to their offices, as they would if they were elected as we propose.

Q. Do you not think that the very next step would be to have these officers elected for a short term if the people were to elect? A. There might be an agitation of that kind after a while; I could not say. Of course we have the experience of the Americans to guide us.

Q. Or the warning? A. Yes; it is a failure for them; we might take it for granted it would not be safe for us.

Q. How do you think these offices should be inspected? A. By an official appointed by the Government.

Q. And the maximum and minimum salaries fixed by the Legislature? A. Yes; by statute.

Q. Would you have the salaries increased or decreased according to the fluctuations of business? A. The work should certainly be somewhat of a guide. A man cannot be expected to do as much work for a small salary as for a large one.

R. O'HARA, by the request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHAIRMAN: Q. You are Master in Chancery? A. Yes.

Q. What is your opinion as to the best manner of appointing these officers? A. The best manner of appointing them is certainly appointment by the Government.

Q. As at present? A. As at present. I should be very sorry indeed to see the day when they were elected by the people or chosen by municipal corporations.

Q. Why do you think that would not be an effective system? A. Because I think if the appointments were made by the members of the municipal councils, the persons so appointed would belong to that class which they belong to themselves, and they would be very inefficient men.

Mr. ROBINSON: Q. A political class? A. Sometimes political, but an inefficient, uneducated class of men comparatively, although very good sort of men in their way, but I think they would be persons very unfit to hold the offices to which they would be appointed, for instance, that of registrar, sheriff or County Court clerk. I highly approve of the Government having full control of these offices.

Q. Do you consider the functions of these officers outside the range of municipal work? A. Yes.

Q. They are provincial officers as compared with the local municipal officers? A. Yes.

Q. Part of a system which pertains to the whole country? A. Yes.

Q. And they are appointed by the Government, and the Government is responsible for them? A. Yes.

Q. Then as to the manner of their compensation, whether by salary paid out of the fees they collect, or the fees retained by them without accounting, which do you say? A. The method of remuneration should, I think, be regulated to a certain extent by the office that the particular person holds. With regard to my own office, for instance, there are judicial functions to be performed, and I think the officer should be paid by salary because it has always seemed to me to derogate from the dignity of the court of which the local master is the representative to be obliged to send in his bill like a tailor or shoe-maker, with the risk of never getting his fees, or having to ask for them several times, otherwise I certainly think the payment should be by fees. Such officers as the registrar of deeds and the sheriff, and the other officers, certainly should be paid by fees, I think.

Q. You are on a commutation footing? A. Yes.

Q. Do you know whether the revenue from the office paid to the Government is equal to the salary you receive? A. No.

Q. On what was your commutation fixed? A. Up to about five years ago.

Q. It was fixed on the basis of five years' returns? A. Yes; the average of the five years was $1,600. Since that in consequence of legislation affecting drainage and the Devolution of Estates Act, and perhaps one or two other things the amount of fees has decreased.

Q. Summary judgment under the Judicature Act? A. Yes.

Q. It has affected you? A. It may slightly. You see I hold three offices, I am master in chambers and deputy registrar in the chancery division and local master. In consequence of this legislation I suppose the average now is not more than $1,200 a year instead of $1,600 a year.

Q. Has that legislation had the effect of reducing the expense of litigation, or has it merely changed the expense so that it goes in different channels from your office? A. It goes in different channels, I cannot say whether the expense is lessened or not. Formerly, you know, drainage cases were left to the local master to adjudicate upon the amount of damages, and we took the evidence.

Q. Litigation regarding drainage has been the most expensive subject in these two counties? A. Very expensive indeed. It was one of the chief sources of revenue in the master's office.

Q. That particular reason would not affect other counties. In Hamilton, for instance, there has been a falling off in the fees from the decrease of litigation, perhaps, to some extent. Do you find there is a decrease in litigation here? A. No; I do not think there is any decrease in litigation, the same amount of litigation goes on, but in another court.

Q. You spoke of judicial officers, you think the local master should possibly be paid by salary; what do you think about the county attorney? A. I think the county attorney should properly be paid by fees, in short, that all officers should be paid by fees who do not exercise judicial functions.

Q. Do you think as a rule an officer should be confined to his special duties without any outside employment? A. I have not formed any opinion about that, but I think an officer should properly perform the duties of his office and attend to it, and not engage in any outside occupation.

Q. Receiving an adequate compensation? A. Yes, certainly.

Q. Do you wish to express any opinion about the average salary or the amount to be retained by the different officers? A. I am of the opinion that it is exceedingly unfair that a certain amount of work should be done by an officer for which he is not paid. For instance, the registrar, I think it is exceedingly unfair that if he works he should not be paid for all of his work. If a registrar is hard at work ten hours in the day a dollar an hour is not a very excessive compensation for that. That would amount to about $3,500 a year, but if the Government were to say we will only allow you $2,500 of this, when he is doing the extra work, it seems to me to be unfair. I would be in favor of an officer retaining all the fees he made in his office, because when a greater amount of fees are received it implies a greater amount of work.

Mr. ROBINSON: Q. And responsibility? A. Yes. I think it most unfair that he should pay over any amount of his fees.

Q. The other alternative would be to reduce the fees? A. Yes.

Q. Make the office self supporting and have no surplus? A. Yes.

Q. Have you had any experience of the system in the United States or have you been an observer of it? A. I am an observer of the elective system on the other side, and I hope I may never see the day when we shall follow their example. Men are elected there who are favorities of the Democracy, but who are not efficient men.

Q. It has been suggested that election by the people for life or during good behavior would overcome the difficulties of the short term system in the states, what do you think of that? A. I have not thought upon the subject at all.

Q. Do you think a constituency of forty or fifty thousand people would be able to choose a sheriff or a registrar with any degree of intelligence? A. No, certainly not, decidely not. There would be too large a number of voters.

Mr. BROOKS: Q. If they are able to choose the higher officers, such as members of Parliament, why could they not choose these other officers? A. Well, a member of Parliament is not supposed to be particularly qualified for anything, anybody will do for a member of Parliament.

Q. What machinery do you think would be put in motion in case of the election of these officers? A. Suppose if sheriffs were elected they would be elected in precisely the same way as members of Parliament. Men who are popular in bar-rooms and on race courses would be elected.

Mr. HOBSON: Q. I do not think that follows? A. Well, a popular man would be elected quite irrespective of any qualification.

Q. I think you are putting the electorate down too low a standard when you speak of bar-rooms and race course men in that way?

Mr. MASON: Q. I suppose the same difficulty would arise that exists now in selecting a member of Parliament, that when a man has been selected, whether he is good or bad, the party generally would have to fall into line and vote with him? A. Yes.

Q. In other words, a man is not selected because he is the best man, but because the party think he is the most likely man to carry the constituency? A. Yes.

Q. And probably that same principle would apply in the case of the election of a sheriff? A. Yes.

WILLIAM MACLEAN, by request of the Commissioners, appeared before the Board, and being interrogated, stated as follows:

The CHAIRMAN: Q. You are the reeve of Port Hope? A. Yes.

Q. Have you lived long in the county? A. Yes. I was born in it.

Q. What opinion have you as to the appointment of these officers and any others that you like to suggest? A. As to the appointment of these particular officers, I could not suggest any improvement.

Q. Should they be appointed by the Government? A. Yes.

Q. Why would you be against giving the people or the county council the right to choose? A. I think the same difficulty would arise in the county council which exists in regard to the appointing body in Toronto, or in other ways; namely, political bias.

Q. Would not have better men, in your opinion? A. No, I do not think so.

Q. Then as to the license inspectors and commissioners? A. I think that both commissioners and inspectors should be appointed by the county council.

Q. You would go back to the old system? A. I would.

Q. What benefit would that bring about; better men or better working of the system, or what? A. Well, of course, as long as the present law remains in force with regard to the amount of money that the Government takes from the license fund, and I don't know that it makes a great deal of difference; but I think that is wrong.

Q. You think there would be a larger distribution of the moneys if the council had to deal with it? A Yes.

Q. It would be on the financial side of the question rather than the other that would lead you to advocate a change? A. Yes.

Q. Then as to the way the officer should be paid? A. I am in favor of payment by fees.

Q. The present system; the official getting a certain amount to himself, and turning the rest over to the Government? A. Yes. There should be a limit.

Q You have heard what Mr. McCallum said as to the limit for registrars and sheriffs? A. I could not answer that intelligently. A man should be paid according to the work he does. Some men are worth a great deal more than others.

Q. As to Division Court clerks and bailiffs, have you heard any complaints about these men not doing their work properly or being too zealous in it so as to make litigation? A. No, no complaint.

Q. Do you think any benefit would result from changing these into the hands of the councils? A. No.

Mr. Robinson: Q. Has the desirability of a change been much discussed in your community? A. No, except that on that point I have mentioned there is a feeling that there is too much of this license fund taken away from the municipalities. I suppose, when you come to look into it thoroughly, they must get money from somewhere, and if they do not take it from that source they will from another. Still, there is a feeling that the Government takes too much.

Q. There is not much talk of changing the nomination of sheriff and registrar? A. No.

Mr. Hobson: Q. Do not you think that local influence would be brought to bear if the license inspector were appointed by the county council? Would not there be a strong feeling in favor of certain individuals, and would not these parties think that they owed a little for the assistance rendered in getting them elected? A. Certainly that difficulty might arise; but I do not think to the same extent, because politics are not considered in the county council.

Mr. Robinson: Q. You agree with the last witness that politics have not been discussed in the county council? A. Yes.

Q. That is different from other county councils? A. Yes.

Q. The position of warden, with you, is not determined much by his politics? A. No, not at all.

The Chairman: Q. The parties do not take it in turns? A. The counties take it in turns. Northumberland gets it one year and Durham the next.

Mr. Robinson: Q. Perhaps that is the reason that politics do not appear.

The CHAIRMAN: Q. You have got a territorial line of division in instead of a political line of division? A. Yes.

The CHAIRMAN: That is a very reasonable and intelligible way; that is only fair.

Mr. BROOKS: What do you see in the way of having these officers elected by the people? A. Well, I see a great deal. I do not think it is a proper mode. In the first place it would mean the expenditure of a lot of money, and put the people to a great lot of trouble, and we certainly would not arrive at any better results.

ALEXANDER MACNAB, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

The CHANCELLOR: Have you been in practice in the United States? A. No; I have not been in practice, although I have attended the courts a good deal. In the division in which I live the District Court is held twice a year, and the County Court is held four times a year. The nearest United States Court to us is Elpaso, 150 miles, but that is in our district. As to the questions asked me, I would approve of the appointment of the officials being, as at present, in the hands of the Government.

Mr. ROBINSON: Have you corresponding officers in your counties? A. Yes; we have the registrar of deeds. We have no local masters, or a similar office to that. We have sheriffs, but we have no deputy registrars of the High Courts. We have county clerks who do all the work. They have no deputies, and the registrar of the Surrogate Court is the county clerk.

The CHANCELLOR; The county clerk does the work of all the courts? A. Yes.

Q. The county attorney is your prosecuting attorney? A. We have a county attorney.

Q. The county attorney and county clerks do all the work? A. Yes; and, besides that we have a district attorney for the District Court. He prosecutes cases in the District Court. That is a higher and larger division. He prosecutes criminally as well as civilly. We have no Division Courts. We have Justices Courts.

Q. Your officers are all paid by fees? A. They are all paid by fees. I cannot tell what fees they get. I could find out and let you know. I do not think they make any returns. All the officers I have mentioned hold their offices for two years, judges included, but eligible for re-election.

Q. Have you any notion what a sheriff would get there? A. No; it all depends upon the population of the county; the counties where I reside are very sparsely settled; there are large ranches, and, from the contention that there is for the office, I should think the fees are very good. I know all fees I have had to pay for registration and purposes of that kind, I thought were very high.

Mr. ROBINSON: Are all those officers elected by the people? A. All those officers are elected every two years, in the month of November.

The CHANCELLOR: And elected on one sheet or one vote? A. The whole of them.

Q. Do you approve of that system? A. I certainly do not; and I have not met any law-abiding subject there, or what I would call a respectable man, that approves of it. They look upon it as the greatest curse on the country. I have seen County Court judges during elections who could not let go of the bar, treating the voters before election, and afterwards. It has brought it to such a state that we look upon the administration of criminal justice as a farce. It is impossible, almost, to convict a man who has money or influence, and I have heard it stated by respectable men who were holding a man and trying to prevent him shooting another, saying to him, now don't do that, we will have to get you out on bail, and it will cost you $400 to get out of it.

Q. So the prevention of crime is the appealing to a man's pocket? A. Yes.

Q. Does the prosecuting attorney not get a salary? A. No; he is paid by fees. They are all paid by fees. The county commissioners, like your own county council, generally vote the County Court judge a sum, and then he gets fees besides. They will vote him perhaps $800, or $1,000 or $1,200, and then he has fees besides. It being elective, all classes of men run for the office. I know men who have no training in law, running for County Court judge. I have seen ranchmen run for the position of County Court judge, and they had no knowledge whatever of law. That question has been decided by the judges. The statute requires that the County Court judge should be learned in the law, and the judges said at once, how do we know that this man is not learned in the law, we have no standard. The examination for law is simple. If I wanted to practice law there I would just go before a County Court judge, and he would appoint a couple of lawyers. They would take me into a room, ask me a few questions, and say I was qualified. I would then get my certificate. I have seen men appointed attorneys, illiterate men, who have never served any time in the study of the law.

Q. A man is fit for any office he can get? A. Yes; he will run for any office; and he just puts out his notice that he is running for sheriff, or County Court judge, and gives notice he is up for that office; he goes around then and sees the people.

Q. The elections are run on party lines? A. On party grounds.

Q. They make a ticket and combine? A. Yes. In the part I reside, and generally all over Texas, a Republican, as they say, has no show. It is a Democratic State, and we are all Democrats.

Q. Are no Republicans, as a general thing, elected to office? A. As a general thing I do not know of any. There is one gentleman, a very competent man, and he is from New York, a Republican. He came there for his health, and he was elected with great difficulty as an alderman for a little town there, but he was only one year in office; at the next election he was defeated simply because he was a Republican.

Q. Would it be any improvement if these officers were elected for life, or during good behaviour? A. No. From my experience out there I would not leave any of these officers to be elected by the people. My idea is, that all men having anything to do with the administration of the law, should be, as it were, above the people, not dependent on the vote of the people at all. For all these

offices, I should think they ought to be professional men, such as barristers and attorneys.

Q. As to Division Court clerks and bailiffs, that would not apply so strongly? A. Well, if I were here I should certainly have the Division Court clerk a professional man, if possible, because he has got to do, all the time, with the carrying out of the law, and the professional man can always do it much better than a lay-man.

Q. That would be so in cities, but in the country parts? A. Of course it would be more difficult to obtain professional men for that purpose, but certainly, in large cities, or in cities, they should be professional men.

Q. Would you favor the county judges appointing the clerks and bailiffs? You were here when it was taken away in 1872, I think? A. No I would not favor that. I think that the Government should appoint them, because they are a body that could deal with any malfeasance in office more easily and more conveniently than the judges.

Mr. ROBINSON: You alluded to your Commissioner's Court, and stated that they were like our county councils? A. Yes; they are three Commissioners elected for all business of the county, and the county judge is *exofficio* the Chairman of the Commission, and he is also the Chairman of the School Board.

Q. Are none of these appointments in the gift of the Commissioners? A. None. Excepting, in some cases, where a man dies during his term of office, or does not act, or leaves the country, the Commissioners can fill the situation for the term.

Q. Are the Commissioners themselves elected for two years? A. Elected every two years.

The CHANCELLOR: They are paid so much a day for their services? A. So much a day for each sitting, and mileage.

Q. There are three for each county? A. Three for each county.

Mr. ROBINSON: The Governor of the State cannot then have much patronage at his disposal? A. Excepting for Government offices. He has not much patronage. We elect also the attorney-general, and all the cabinet.

Q. Every two years? A. Every two years.

Q. The attorney-general and all his cabinet? A. the Commissioner of Public Lands, and every State officer is elected every two years, and they will all be red-hot at it to-morrow.

Q. Do the people complain of these numerous elections? A. Yes; and we cannot change it.

Q. Has there been any agitation to change it? A. Yes; we are all the time discussing a change, and feel that it would be beneficial, but it is so difficult.

The CHANCELLOR: It is part of the constitution? A. We would have to get an amendment of the constitution, and a vote of the whole State on the amendment of the constitution, for any of those things. And, we think the term is too short, that it should be at least four or five years, for we are in a constant turmoil of elections, and the State is very large. It is larger than the Austrian Empire; the election is a fearful expense upon the State.

Q. There is one class of officers not mentioned here, but brought before us by some of the gentlemen examined. I refer to license commissioners. They have spoken about whether they should be elected or appointed in some other way than by the Government? A. The license commissioners; according to my experience, should be appointed by the most independent body in the country, and the Government is that body. According to my opinion, and from my knowledge here of the old system, and of course I was commissioner of licenses here for twelve years, by virtue of my position, the mayor was chairman of the commission, and he was in a very awkward position frequently with his contituents. I know some of the mayors were placed in such a position that they were silent during the selection of a license, would not say anything at all. They were in just such a position that they would not exercise their right, for fear of the next election, afraid of the popular vote.

Q. So you would not give it either to the council or too the people? A. No sir. Then, there was the question about the license fees. I always, on principle, mantained that as liquor was the principal cause of all crime that it should support the police, and while I was police commissioner I always kept the license as high as the Statute would permit. I see it is lowered since. Although high license fees are advocated by temperance people with the idea that it will curtail the consumption of liquor, I find now that that is a great mistake. In Texas the license fee is $600 for one man per annum, and to show you what effect it has in the town I go to for my supplies, they claim there are 4,000 inhabitants, and there are eleven saloons in it, and all apparently doing a flourishing business. They charge twenty-five cents for two drinks, a bit a drink, as they call it, and yet the consumption of whiskey is as great as it is here, and nothing but whiskey. And these are all licensed saloons.

Q. And are there no unlicensed ones? A. Yes; There are sales of liquor unlicensed, and they are prosecuted by indictment before a jury, and the elected officers. When the case comes up, all the officers, the county judge and the prosecuting attorney, the sheriff, the bailiffs, even the constables, being all elected. when one of these cases comes up, I have seen this myself, and in gambling cases the same way, the defendant will stand up at once and say I wish this case continued. That is what we call adjourned, and it is at once continued for six months. I have seen them go on that way for two years, and then the witnesses were gone or dead, and the man out of office, and a new county attorney in who knew nothing about it. The indictments were all quashed.

Q. Have you a grand jury system there? A. We have the grand jury system also. There, witnesses and counsel go before the grand jury. It is not a secret inquisition as ours is here. The counsel can go in with witnessess.

Q. They have no commitment before Magistrates as we have? A. They have that still. They have an investigation before a magistrate, and the magistrate admits to bail in all cases, murder and all. It does not matter what the offence is, the magistrate invariably admits to bail. I have seen a case of murder, just as clear a case of murder as ever was in the world and the man admitted to bail in $800. The only doubt arose when it came before the jury. If the man has money he is invariably acquitted In the county in which I resided, when I first went there, there were more than twenty murders during the first three or four years, and the boast of the county is that there never was a man hanged in the county.

Q. Because they lynch them. A. No. There was only one case of lynching while I was there. In most instances it is shooting, and not unfrequently both

the parties get shot. But, notwithstanding that, any respectable quiet person can live there just as safely as he can live here.

Mr. ROBINSON: Q. But suppose the quiet gentleman got into difficulty with his neighbor and appealed to the law? A. He would have to adopt the customs of the country, and put up his money and he would get off.

Q. Do you speak of that now as a general thing? A. That is a recognized thing all over the country, the part where I live. All respectable people will say, oh, he will get off, he has got money. A murder case comes up, the district court is sitting twice a year, the prisoner's counsel will ask the case to be adjourned for six months, it is adjourned, the party is out on bail, and it will go on that way perhaps for a couple of years. There is such a floating population that probably the most important witnessess are away, and then, the jury is without witnessess. I have known instances of this, one of the grand jurors told me, they felt a certain case was so outrageous that they subscribed the money themselves to send the sheriff after the witnessess.

The CHANCELLOR: Q. What do you say about the rate of compensation for these officers? Have you any opinion about what they should be paid? A. Well, that would always depend upon the position. For instance, in the City of Toronto a man would certainly have to be paid more than in Milton, or an outer county. A man could live a good deal cheaper there, and the salary that would make him comfortable there would not keep a man in Toronto, so that I do not think there could be any scale applicable to all. They should be paid liberally, according to the position, paid so as to get competent men.

Q. Would you say an average of $2,000 for the country sheriff would be out of the way? A. For the country sheriff I should think $2,000 would be a very good salary.

Q. Too high? A. No; it is not to high. I should think it would be a very reasonable salary.

Q And for registrars, say from $1,500? A. A registrar, I think ought to be a professional man.

Q. But they are not? A. A non-professional man, I should think that $2,000 would be an excellent salary, and if that was his salary, and elected by the people, the whole county would be running for it. That is my experience as a Canadian. My objection to letting it into the hands of county councils is they are so parsimonious they could always fill an office, get men in their county to fill an office for almost nothing. I have seen, in Canada here, where officers were appointed by the council, and they actually advertised for tenders, and got them so cheap that no competent person could afford to take them. I have known instances of that kind.

Mr. ROBINSON: Q. Have they any inspection of public officers, as to their duties, in Texas? A. No; nothing that I am aware of. You would have to complain to the Attorney-general. As an example, the registrar of deeds is elected every two years. You cannot depend upon any title from the books of the registrars office. I have seen myself deeds lying on a window in a registrars office that had been there for years, and never registered, or copied into the book.

It is the result of the system. Of course whenever a new man is elected the old man steps out, and if there is any work undone the other man says, that is none of my business, and there it lies. So the result is that land agents there advertise that they have the only perfect record, and they keep a registrars office in their

offices, have books there. I went into a land office one day with a friend of mine, a large land-owner, and he wanted an abstract of title, he could not depend on the registrars office. The real estate agent charged him $600, and he had to give it, for he was very anxious to have a perfect abstract.

Q. That would be a large purchase? A. Oh no, it was not a large purchase. It was a large tract of land.

Mr. ROBINSON: Q. What money did it involve? A. It would not be $10,000.

Q. That would cost some $40 or $50 here, or not so much? A. I have got abstracts of titles here of more valuable pieces of land for $2.50 from the patents down. That all arises from the elective system.

Mr. ROBINSON: Q. There would be nobody to look after the registrar, or to find fault with the extra charge? A. The attorney-general would be the only man.

The CHANCELLOR: Q. He would take fees to register this, and would not do it? A. That is it.

Q. Then, you would have to get a mandamus to compel him to register? A. Well, I do not know any instance of that kind arising. Of course, if you called the attention of the registrar who received the fees from you to the fact that it had not been registered, why he would go on and register it and put it in the book, but you would have to look after it and you might not know that it was not registered until he was out of office. I know men there who own large amounts of property, and they have told me they could not depend upon the title they would get in the registry office. From my experience here in Canada of 35 years, of county councils, I would not leave the appointment or payment of any of these officers to them. If you did, you would get incompetent men, and the proper duties would be neglected. I think this fee system, from my experience of it here, opens the door to fraud, and petty fraud. I used to be often annoyed. So many of these officers I have met, would overcharge five cents or ten cents, and of course a lawyer could not be bothered running after individual cases of five cents or ten cents, and yet at the end of the year it amounted to a good deal to the officers. Professional men did not want to be bothered with it. That was my experience. We do not want to come in contact with the officers in that way, and in the outer counties I found it a great deal worse.

The CHANCELLOR: There was no Government inspection then. That is remedied now, I think. There is a uniformity of fees all over.

WITNESS: But how can any Government inspector detect? You go into an office that is paid by fees, and the officer tells you it is so much, you pay him, and perhaps there is ten cents too much, or five cents. You will not bother wasting perhaps half an hour's time, arguing. He will argue a whole day about it, and you cannot afford to wait. And, after you left, he would put down the proper fees.

The CHANCELLOR: Q. The amount has to be entered in the book? A. He enters the correct amount, and has the five cents in his pocket. There are plenty of that sort of men in the country.

The CHANCELLOR: How can you possibly avoid that by giving him a salary?

WITNESS: Wherever fees are paid and collected by any officer, I would have them collected by stamps, and then there is no mistake about it. There is the

stamp, and he has nothing to do with the money at all. I advocated those stamps long before they came in force here.

Q. You would have fees collected, and all paid in stamps? A. All fees paid in stamps, and then there is no temptation before the public officer. He has nothing to do with money, it is no difference to him, all he has to do is to see that the right stamp is on it, and if the right stamp is not on it, when the inspector goes he says, "Where is the stamp?"

Q. You would apply that to registrars? A. To every officer here, every one of them.

Q. At present the registrars collect all in money, and they retain $1,500 to start with, and then they account for the rest? A. Yes.

Q. You would do away with all that system? A. Yes; and put the stamps on.

Q. Then you would give them a fixed salary, and not percentage? A. I would give them a fixed salary, no percentage in any way.

Q. Then would you base that salary on a reckoning of what they had been obtaining as fees before, or would you fix it without reference to that? A. Well, I do not see any way that you could make a fixed salary, that it should be so much, because the duties of an office might increase so greatly. For instance, if it was proposed to give the registrar of the city of Toronto $3,000 a year, the city might grow in a few years so that his work would double, and he would require a lot more assistance. The Government would appoint that, and his labors would be greater, and his supervision and responsibility greater. It might become advisable or necessary to increase his salary. A better example could be made by taking an outer county where it would certainly grow. Little villages and towns are springing up, and his business is increasing greatly.

Q. They meet that in the States by grading according to population. Counting on a certain population, they give a certain amount, and so on, with the increased population coming the increase of work? A. Yes.

Q. Then how would you apply that to a sheriff where he gets his fees by mileage, and poundage, and fees from the parties? How would you apply the stamp system to that officer, or to the clerk of the peace? A. I would have it all by stamps. If a sheriff makes a sale, the defendant has to pay all the costs of the sale, and the defendant and the plaintiff would both be anxious to see that the sheriff's fees were correct. Let them put a stamp on. Let the plaintiff put on the stamp and get the money, or let the defendant put it on and get the money. My idea is to keep the handling of the money out of the hands of all these officers as much as possible.

Q. Then would not the sheriff and other officers be tempted in the case of their friends to say, "Oh, you can search; I will not make any charge;" they would not collect as much fees, if paid by stamps, as if going into their own pockets? A. No; they could avoid the fee in that way.

Q. And the Government probably would not collect under the stamp system as much as ought to be collected if they were as strict as in the fee system? A. That would depend altogether upon the honesty of the person. Of course he could say, "Oh, well, never mind that," or he might say to a man, "I will search it for you."

Q. The only way to remedy that would be, if the returns from the stamps were proving very much less than the salary, to reduce the salary? A. Yes. There would be very little of that friendship business. That would be a dereliction of duty, and he would have to depend upon the integrity of his friends not to mention it, because if it came to the knowledge of the inspector it would forfeit his office, and so that would be a restriction upon a man. A man holding his office during good behavior, and having a respectable salary to live on, would not like to endanger his living for a miserable little pittance of that kind.

Do you think you would have as great a safeguard, or any more effectual safeguard, in the case of a dishonest man? You put the case of a dishonest officer who would charge five cents more for a service. Would such officer not obliterate a stamp, and save it, and use it on another occasion? A. But the officer would not have the stamp. It is the party paying the fee who puts the stamp on.

Q. But the officer has to obliterate the stamp. The stamp is put on by the man, and he hands it in; the dishonest officer would pretend to obliterate the stamp, but he would not, and would take it off afterwards? A. Of course that could be done, but on inspection he would be found out.

Q. Would you have any more dishonesty in one way than the other? A. I think there would be a greater temptation in getting money. The stamp would always be against him, and when he did not put the stamp on himself it would be noticed that he had stamps. If he had stamps it would create suspicion at once. As far as I know the stamp system is more satisfactory in all the law business.

Q. Would you apply that to Division Court proceedings? A. Yes; I think it is wanted more there than in any other court.

Q. Would not this be a remedy in the Division Court, to have a fixed sum for the cost of the suit, according to the amount at stake; say in a $100 case a fee of $2.50 to carry it through? A. I do not think that would be justice, because the fees of the Division Court differ in different cases, if you sue a man for $100, you pay in $2.50; well, the defendant comes right up when he gets the summons and pays the money in to the clerk. That is an end of the case. Then another case goes on perhaps to execution, and all through, so that I do not think that would be a fair way to regulate it. I think the fairest way is the way it is now, a fee for each step in the case. Whenever you dispute a case in the Division Court, there is a fee for that, and every step there is a fee on to the execution, so that if you put a uniform fee, it would be a hardship I think.

Q. You would have to give bailiffs, and so on, a salary? A. Give them all a fixed salary; especially in the Division Courts; it is a poorer class that are defendants there, and a few shillings to them is very important.

Q. Then you would require an office for the sale of stamps at every Division Court. You would need an additional officer to provide stamps? A. Well, that can be arranged quite easily. The same objection was brought up when the stamps first came in, and yet there is no inconvenience about it.

Q. It might prove a cumbersome system with reference to those small courts? A. That might easily be remedied by giving the sale of stamps to parties in all these county towns at a small discount.

Q. The county clerk or postmaster? A. It would soon get into working order; it is just as hard to get money or harder, than to get stamps.

Mr. ROBINSON: The attorney-general in such a large state as Texas, must be in receipt of a large salary? A. He is paid by a certain sum. The attorney-general $2,000 and fees, and the fees amount to about $2,000 more.

The CHANCELLOR: The land commissioner receives $2,000 per annum and no fees. The governor of the state gets $4,000 and no fees and no residence.

D. B. PALMERTON, Simcoe, by request of the Commissioners, appeared before the Board, and being interrogated stated as follows:

I have been in the municipal council of the town, and have been reeve of the township of Woodhouse, and sat in the county council. I have lived here for fifteen years. I received this list of questions yesterday, and would say in regard to it that the appointments are well made through the Government; I would leave things as they are, all those appointments. I would not favor the elective system because the moment we go into election by the people it becomes political. I suppose appointments are political by the Government as well, but oftentimes they are not political appointments. I think I can note some of our officials to-day that are not political appointees. The appointing would be on party lines if it were put in the hands of the people, and the most active politician would head the poll. I think it might perhaps become something like our politics at the present day; it would be quite a strife between men, and might become corrupt. A wiser choice I think can be made by the Cabinet of Ministers who are responsible, at all events it is one step further off the strife of politics.

The CHANCELLOR: And as to councils choosing, the different municipal councils throughout the country choosing these officers? A. I hope we will not have to come to that for some time yet. Our county councils as a rule are elected, men that are leaders in a political party, and they come together of course as a council here, and it is hard to get rid of the political doctrines they were taught at home. Appointments as a rule are made politically, more so perhaps than they would be if they came through Parliament.

The CHANCELLOR: As to paying, how do you favor the system? Do you favor the officer taking the fees or that they should be paid over to the Government and he be paid a salary? A. I should say a fee up to a proper sum would be the proper method of paying, substantially the present system.

The CHANCELLOR: Have you formed any opinion as to what the proper amount should be for a registrar or sheriff in the county? A. Well, the registrar perhaps $1,500 for a good man. I think that would be a good fair salary. I should not fancy any more for the sheriff. I do not think his duties are any greater.

The CHANCELLOR: There is a responsibility in the sheriff's office greater than in the registrar's office probably. If he makes a seizure and does not seize at the right time or makes a mistake he is liable? A. True; there might be something in that. I would fix his income at two thousand dollars. As to assistants for the registrar I should think you could get one in this town say for about $600 a year. I would leave their appointment with the registrar. It would not be well to have an assistant a Government appointment, as the regis-

trar would have no control, and cause confliction of the head. Perhaps they might not agree well. I fancy some of our officials perhaps are getting low fees in the country around. I have not heard of any trouble in connection with license commissioners.

ALEXANDER McFARLANE, appeared before the Commissioners, and answered as follows:

My post office is Otterville. I have been in the council there. My father is a manufacturer and I am partly, manufacturing carriages. I was in the council from 1879 I think till 1885. I was reeve for four years and I have been clerk and treasurer since 1885. It takes up a good deal of my time, nearly all of it. Of course I can do a great deal more work than I do now but it is the amount of time consumed in doing what has to be done. As to appointing these officers, I have no reason to ask for any election. Of course we have heard a great deal of comment of the appointment of these officers during last election, particularly down with us. We have an organization down there that take for their platform the appointment of these officers in a different way, but I think the majority of the people are in favor of the present system of appointment. That agitation is down to a certain extent, but I can see it looming up a little again as the elections come on. I do not know of any grievance. There was an idea that struck me the same as Mr. Brown mentioned in regard to the amount of fees. The excess of fees that would be paid by the person using the registrar was one idea I had that that man should not be asked to pay a certain amount that would go into the surplus of the county, as he was one of the persons that I have thought ought not to be taxed in that way, having paid his proportionate share of taxes with other ratepayers. If it could be reduced in some way to give the registering at actual cost.

The CHANCELLOR: The question is whether any of the fees are actually in excess of the work done. The fees were arranged to make a fair charge for what was done. It is the amount of work done that creates a surplus, and each charge may be a reasonable one. You have no suggestion to make as to how to deal with that? A. No, I have not. It struck me as a thing that was not fair to the man that used the registry to have to pay any of the excess.

I am a license commissioner for South Oxford. I do not know of any agitation to have the appointments changed. The great trouble with it is, I know in our part of the country, to get them. It is a thankless task. I have been in for two years. I have two others with me. There is one thing I thought I could get some information on, in connection with the salaries of municipal officers. I would like to see some arrangement whereby the officers of minor municipalities might be able to get a little better remuneration for their services than at the present time. That is of course in the hands of the municipalities, but as the Provincial Government controls municipal affairs could not it be in the hands of the Provincial Government. I refer to the salaries of the different municipal officers. For instance you take the salary of treasurer of this county. He gets probably $800 a year. He keeps his office open from ten to four in the afternoon, daily throughout the year and I think he has to furnish his own security, and I think $800 a year is a small sum for the amount of money he has to handle.

Mr. HOBSON: Q. The people would not like to give that up, the right of electing their own municipal officers? A. I do not know how that would be I am sure. We who have to work the municipal law would be perfectly in favor of it.

The CHANCELLOR: Q. The Government being asked to reduce the salaries of these other officers it would be a rather injudicious time to ask an increase for the others? A. If there was any such reduction in the larger officers would not it be a proper time to get a raise in the other. A general levelling is what I would like to see. I think there is an injustice done.

The CHANCELLOR: Q. You think the treasurer of a county like this should have the same salary as a registrar? A. Yes.

The CHANCELLOR: Q. A man expert with figures, you cannot pick up a man in the street who can do it. He has to be an accountant, a man of integrity? A. Yes; handling money and responsible for defalcations. He has a responsible office. And the clerk of a municipality, with nearly every Act of Parliament he is more bound and you will see at the end of most of the clauses, the clerk failing to do this will be liable to a fine of $20. I think that is a grievance.

The great trouble of it is that the people that pay these do not know the amount of work there is in connection with it. While I was reeve of the municipality I had an idea that the clerk was getting a good fair salary, not knowing anything about what he had to do. We fancied we knew but when we come to do the actual work in connection with the office you will find your ideas are very small in connection with the work done. There is very nearly every day something to be done.

Mr. BROOKS: Q. If your present treasurer were to go out you could get men who would be willing to take it? A. Oh yes, lots of them.

The CHANCELLOR: If you put it up to tender you would get it lower? A. Yes; that is one thing the Ontario Government has done, they will not let municipal offices go by tender, which I think is all right, and I would like the Government to say that the clerks and other municipal officers should have a minimum salary, and of course larger when of a larger municipality, having the appointments as at present.

The CHANCELLOR: You have spoken of the appointments. What about the compensation of the officers? By fees or salaries? A. I am in favor of the officer being paid by the people that use him, that is by fees, and as I said before, if it could be arranged, when the fees get up to what is considered a reasonable salary there should be a reduction in the charges.

The CHANCELLOR: Then as to Division Court clerks and bailiffs, do you say anything about those, the manner of searches, or charges, any claims of extortion in your part of the country? A. I have not heard of anything.

The CHANCELLOR: Would you favor lump sums being paid in Division Courts for the costs of the court instead of having a lot of different items? A lump sum according to the amount of the claim? A. No; I would not, I think the fee system is all right.

GEORGE GORDON, appeared before the Commissioners, and being interrogated answered as follows:

I have examined this list and I think these officers should be paid by fees, and I think the Government should appoint them. I have not been in the council of late years. I was in the council some forty or fifty years ago. I was clerk and treasurer for some eighteen or twenty years. I think those that get the work done should pay for it. I think if the council had the appointing of these officers there would be too much log-rolling. I do not think they would get the best men. They would not be as well served as now. It would be troublesome too, the whole county voting say for sheriff. The expenses need not be much, they could do it at the same time as electing municipal officials. They could elect them at the same time, but I do not think the selection would be so good. I think the fees might be reduced. I do not see in regard to the registry office here, when I am registering a document why part of the fees should go to pay somebody else's taxes. I do not think there is any justice in it. I do not think there should be any surplus, just enough fees charged to maintain the office.

The CHANCELLOR: What salary do you think or what compensation should the registrar get? A. It would depend on the work, on the amount of fees collected. In some counties the labor is not one-third what it is in others, and there is always plenty to take the work. I have not considered the question of compensation. I do not think the sheriff makes a great deal of profit out of his office, as near as I can learn.

As to Division Court clerks and bailiffs, they have given great satisfaction since they have been appointed by Government. The registrars of the Surrogate Court, their fees are most exorbitant in some cases, I think. I had a case go through that court lately. I do not know the labor but I cannot see what labor there is. I got out a probate of a will. The estate was some $31,000 and the probate of the will cost $111.25. The amount of registration was $55, for registering those documents. The attorney gets $30. And then I had to give bonds for succession duty, $5.50 charges for that, and I think those fees are too high altogether. That is upwards of $60 for registration.

The CHANCELLOR: You generally approve of the present system in the way of appointing and paying? A. Yes; I think if there is to be a change in the manner of making the appointments the people should have the appointment.

Mr. ROBINSON: Have you taken any interest in the license commissioners, business? A. I have been always a temperance man.

Mr. ROBINSON: Is the present administration of that satisfactory to the temperance people? A. It is not satisfactory. I do not suppose you would ever satisfy the whole of them, but it is a great improvement on what it was formerly. Formerly it was in the township hands; during my time it was in the township's hands. There was a township inspector at one time appointed by the township council, years ago. I prefer it being in the hands of the Government. It is much better now. Whoever had the pull on the council had those offices; it is not whether they were qualified or not.

Mr. Gordon desires to show the Commissioners the following account:

Extract of account paid for probate of will referred to in my remarks before the Commission.

Preparing application for probate, affidavits obtaining schedules, etc.	$30 00	
Registrar's fees		55 50
Preparing affidavits including schedule etc. in succession duty	10 00	
Registrar Surrogate Court his fee on same		5 50
3 copies of probate	3 00	
1 certified copy of probate	50	1 90
Copy for registration	3 00	
Registar's fees		1 85
	$46 50	64 75
		46 50
		$111 25

J. F. COHOE, appeared before the Commissioners, and being interrogated answered as follows:

I am a magistrate of the county; I have not been in the county council. I am acquainted with some of the officers on the list and the way they are appointed, that is, the registrars and county attorneys, sheriffs, Division Court clerks and bailiffs. I am a Division Court clerk myself in my township, and have been since 1888. As to the appointment of these officers I think the present system is as good as we can get, that is, appointments by the Government. I certainly would be against throwing such appointments into the hands of the county councils, for the reason that councilmen as a rule appoint their supporters, whether they are competent or not; partyism would be the rule. It would remove a man's independence when he got the office. He would favor the party that appointed him direct.

Mr. ROBINSON: Would that be the case if he were elected for life? A. Well, it depends on how you put that. I should not suppose of course he would be appointed by county council for life; it would be for a term. I do not think they would be liable to appoint them for life

Mr. MASON: You think if they had the power it would not be long before they would agitate short terms of office, the American system? A. Yes; with a change of council they would want a change of officers.

Mr. BROOKS: What would be your objection to having them elected by the people? A. It would remove the independence of some of the officers. The registrar of deeds, perhaps it would not remove his independence so much, but my first suggestion was particularly as to the sheriffs, Division Court clerk or bailiff. You would remove his independence the moment he became the supplicant for a vote. If he is to be elected he wants your vote and he is beholding to you for this vote, otherwise he loses his position.

Mr. MASON: You think if the election were left to the people then they would be candidates at once, the people would not of themselves make the choice, but the candidates would spring up and the one that had the greatest influence would be the man that would get the appointment? A. Decidedly. As sheriffs, clerks and bailiffs of the courts we are administrators of the law

against certain parties and for certain parties, and of course we would be looking to them for support and it would remove our independence to some extent. It might be difficult to have to enforce the law against those to whom you are indebted for your election. As far as the county council goes, their having the appointment of treasurers and clerks, I have not been in the council and could not give any definite opinion, although I think generally they are appointed by their political supporters in the council. If the majority of the council are Conservative, they would support their friends and put them in position.

Mr. HOBSON: You think that there would be this difference, the county council in appointing its treasurer and other municipal officers, they having a full knowledge of the duties required of them would be less liable to make a mistake than making appointments of men to offices which they have not such a full knowledge of? A. Yes.

Mr. ROBINSON: Has any difficulty occurred in the appointment of these officers? The treasurer of the county for instance? Was there in the registry office any difficulty? A. Not that I am aware of; not in this county.

Mr. ROBINSON: Are you in favor of keeping the appointments, as far as their pay is concerned, as they are, or do you advocate payment by salary? A. Payment by fees, making those who have the business done pay for it. I am not particularly acquainted with the duties of the county attorney and could not speak as to that appointment. I much prefer the appointment of the license commissioner by the Government, I think it is a great advantage. It removed the political or personal influence and the officers are responsibile to the Government, and there has been a great improvement. I have seen years ago when the people elected the license inspectors, some of the most incompetent people that could be got were put in the office. I could name them. I think the municipal council appointed some very incompetent persons to this office. We have had a great deal more satisfaction since they were appointed by the Government, fewer complaints, and more competent men. I do not know of any agitation for a return to the old system, of any importance.

Mr. ROBINSON: Has your attention been called to the auditing of the accounts, or can you suggest any improvement? A. Yes. In municipal affairs I am aware that there has been some very careless auditing of accounts, and I would suggest that the Government appoint one competent auditor for each electoral district to take the place of those now appointed by the reeve of each township, town or village, and that the councils appoint one as now to act with the one so appointed by the Government. The appointment of bailiffs by the Government works well, I think, far better than it would to elect them.

Mr. MASON: Do you think it is better than if they were appointed by the clerk himself, or by the judge? A. Oh, I think so. He is an independent officer. If I were to appoint a bailiff myself he might neglect his duties. If he were a particular friend of mine I would be likely to overlook it, and I would be more likely to do so than if he were appointed by the Government. I would say the same thing of the clerk of the court; they should be appointed by the Government, they being provincial officers. I think it is an improvement, the judge being relieved of that. If the judge appointed the officer he would be more inclined to overlook the responsibility that he was doing his duty than he does now He will now, no doubt, look after him sharper being a Government appointee and being independent. With regard to the funding of the fees, paying the Division Court clerk after he gets so much, $1,000, goes to the Government. Of course the fees are arranged by the board of judges who are competent

to say what the services are worth, and what the responsibilities are; but it appears to me it is not a good idea to fund those fees. The fees should be arranged so they would be just what the work is worth and the officer should have all the fees. If you fund the fees, you take the money from the poor class of people and hand it over to the Government. Of course there are many localities in which these officers are poorly paid and there has been no funding. It would be hard to make a rule to apply to the whole province; the cities are about the only places where the officers are paid above the amount they may retain.

Mr. HOBSON: There would be this trouble, would there not; if the fees were arranged in such a scale that there would be no funding, then, in the smaller offices, it would not be nearly sufficient to recoup the clerk for the trouble he was put to? A. That is the difficulty. Of course, the office doing the most work has to have more hands to do it; it requires more expense to keep it running, and entails more risk and responsibility upon the officer.

JOHN T. STOCK, county treasurer, Hamilton, Ont., appeared before the Commissioners, and was interrogated as follows:

The CHANCELLOR: You are county treasurer? A. Yes. I have been so since March 1st, 1877. In regard to some of the officials, I think there might be some change. I think the registrar should be appointed differently. I think he should be appointed more by the county. I think he should be appointed by the warden, mayor and the minister of justice or the attorney-general. He is paid directly by the county.

Q. He is paid by the people who have the land? A. Yes.

Q. Do you think you would get better men in that way, or would it satisfy popular opinion better? A. I think it would satisfy popular opinion better. I do not think we could get better men than our present registrar.

Q. Then you would not give it to the county councils or the people to elect? A. No. In no office am I in favor of popular election.

Q. In a county where there was no city, how would you have the appointment made, of registrar? A. That is a subject I have not taken into consideration. Other places may be differently situated than we are. As to the other officers, local masters, and others, with the exception of sheriff and county attorney, and clerk of the peace, I do not know anything about them. Those, I think, the Government should have the appointment of, even the sheriff, and county clerk, and clerk of the peace. I think they should remain as they are.

Q. Then as to Division Court clerks, bailiffs, and so on? A. I think that they should be appointed by a commission in the same way as the others, as they are more directly in connection with the people.

Q. And what would you suggest as the board to appoint those? A. That I have not exactly figured out. I think the judge, as one, should have a say in that.

Q. Would you say the county judge with the approval of the attorney-general, or approval of the Government? A. I think that would be a very good idea.

Q. You would not give the appointment of any of these to the municipalities then, either by councils or by the people? A. No; not solely that way. I think as to several of these officers, those who have to pay them should have a say in the appointment. The jailer you have not mentioned. I think the appointment

should be made in the same way as the registrar. His salary is paid by the city, county and Government, and I would have the same commission appoint the jailer that appoints the others. The way it is now, the Government appoints, and the sheriff has to say whether it shall be that man or not.

Q. The sheriff is responsible for the keep of the prisoner. If the man escapes from the jail, the sheriff is liable, so that it would be hard to put a man there, and make him responsible for him, and yet take the appointment out of his hands. If they would relieve the sheriff from reponsibility for the jailer's act, it would be quite right to make it an independent appointment ? A. I think it should be an independent appointment. Then, as to the registrar of deeds, I think the way he is paid at present is a mistake. If an appointment is made any time through the year, the first registrar draws his $2,500. Supposing another appointment is made in June, the new registrar draws his $2,500 before either the city or the county are allowed anything at all. We have had that in three different appointments here lately.

Mr. Robinson: So that during one year they would pay $5,000 ? A. They might pay $5,000 before there would be any refund to the municipality or city.

The Chancellor: If a man loses office during a half year he should not get the full amount ? A. If the new registrar comes in, the law says the first $2,500 goes to him, and that is the way they have taken it. I think that is wrong. I think the whole thing should be spread over one year. That is not the way the law puts it. Each of the late appointments has been made about the middle of the season. The natural consequence is the city and county get a mere nothing.

The Chancellor: Then what do you say about the manner of paying them? A. I think they ought to get paid in accordance with the work done.

Q. Paid by fees or salary ? A. Either way.

Q. Which would you favor? A. I do not think it makes much difference; either way, so long as they do not receive more than a reasonable remuneration for the work done.

Q. What do you say would be a reasonable remuneration for these officers ? A. I think that is very hard to state because the different officers have diffierent responsibilities, and a different amount of work. If a man has a large office, and has a great deal to do, he ought to be paid a great deal more. If a man has very little to do, I think he should be paid in proportion.

Q. Take the registrar of deeds who has a good deal to do, what do you think he should get ? A. I would not put that in figures, unless I know the amount of work.

Mr. Mason: Do you think the present scale is unreasonable, as the law fixes it now, for a registrar of deeds ? A. I think it is pretty high; I think it is a little on the high side.

The Chancellor: Do you think if a registrar had $2,000 clear for himself, that that would be sufficient, or would be too much ? A. I would not like to make a statement in regard to that.

Q. Take your own position as treasurer. I suppose you get a pretty low salary, at least most of the county officers do. What do you get ? A. $1,200.

Q. Applying that test, a registrar would get, how much ? A. My time is not taken up, not altogether.

Q. Do they allow you to attend to other business? A. No. My office hours are from 10 to 3 every day.

Mr. ROBINSON: Do they allow you a deputy? A. No. Part of the season I have more than I can do, and there are other parts I have not much to do. I think this question was asked in regard to the manner the taxes were paid in. Most of the treasurers have a bank account, and hand in a cheque for the amount payable by each one.

The CHANCELLOR: Would you express an opinion as to the salaries or remuneration of any of these officers? A. No; I do not think it is my place.

Q. Division Court clerks and bailiffs should take fees as they do now, you think? A. Well, I do not know enough about what their fees are. I would not like to state anything in regard to other people's business that I do not know much about. As to license commissioners, I have not thought of the matter. As to all of these appointments, they can be made by either party well, if they look after it. As to the county crown attorney, I have never thought about this appointment.

Q. As to the county attorney and clerk of the peace, would it not be better to pay a salary, than check all the items? A. There is a good deal of trouble in checking the items and dividing them up. Everything is straight fees, and then there is part by the county, and part by the Government, and part by the city. I have it all to pay in the first instance. We have difficulty just now between the city and county over that subject; to get to a division of what is fair between the two.

Mr. MASON: Q. Do you think it would be simpler, and in the end more advantageous, that that should be a fixed sum? A. I think in most of the cases a salary would be the most expeditious way to get through with it, and more satisfactory all round.

Q. The people would understand it better? A. Yes.

Q. They would know a man was getting so much a year? A. Yes; because there are some charges in regard to his work that look very large. If he was paid a salary it would not appear the same shape. Of course every time he goes to the police court he gets $5 for each criminal prosecuted whether he is engaged any time or if the prisoner pleads guilty. The same way with the county judge's criminal court; $10 for each prisoner. I think if it was a regular straight salary it would be better on the whole.

Q. The clerk of the peace and county attorney here, who has that office? A. John Crerar.

Q. He has time to do other work? A. Oh yes. There is one thing I desire to mention here, and that is in regard to our county constables. Their payment is very unsatisfactory. For instance, if the constable goes out into the county 7 miles, he gets 70 cents mileage. Suppose he arrests the man, he gets nothing for bringing that man back all the way into the city, but if he travels on the railway he would be entitled to the railway fare of the prisoner. I think our county constables are the worst paid men we have, and for that reason we cannot get good constables very often to do the work. The reason is because the pay is so bad, you cannot get men to do the work.

Q. The constables are employed by the county? A. But in doing their government work, they do not get enough pay. I send the bills down, and the Government say no, that is return mileage, and they are not allowed for it. The

allowance by the Government is not sufficient in that one particular case. A man will pay $1.50 to go out 7 miles, taking a horse, and he will only get 70 cents for doing it.

Q. That is hardly within the scope of our enquiry? A. I thought probably it was not. I have written to the Government once or twice in regard to the matter, and they claim that that is all they can do in regard to it. If the prisoner was tried away out in the country, and was taken in, then the Government claim that they could pay for it, but from the time the constable arrests the prisoner, until he gets him in, he is allowed nothing for it.

Q. Doesn't he fetch him in his own rig? A. Supposing he goes out 7 miles, he would only get 70 cents. It would cost him a dollar and a half for a livery rig to go out and do it. If a man goes from Hamilton to Toronto and fetches the prisoner back he gets $4 mileage and he gets the prisoner's fare back. I have written to the Government once or twice, but they say under the present Act they cannot see their way to doing anything different. I drew Mr. Totten's attention to the fact, that I thought it was rather a hardship on the constables. Two or three constables have said to me lately, we will not take any more warrants. It will not pay our horse hire. I do not blame the men.

THOMAS BEASLEY, Esq., Hamilton, Ont., appeared before the Commissioners and was interrogated as follows:

The CHANCELLOR: You are city clerk? A. Yes.

Q. And have been for a long time? A. Some forty-one years.

Q. Before that, were you in the municipal council? A. No sir; I had just got through my profession in law. The were two city clerks previous to me, but for only a few years.

Q. What do you think about this matter we have under consideration, as to the appointment of officers? Should the present system be changed in any respect or not? A. As to the registrar of deeds, I think the present system of appointing is right.

Q. Then, as to the rest? A. The local masters, I am not so familiar with their work, but I give the same opinion. As to the sheriffs, the same. Local and deputy registrars of the High Court of Justice, and deputy clerks of the crown, I think they ought to be continued on the same system as at present.

Q. You would make no change? A. I should not.

Q. Looking at the other questions, what would you say as to them? Why do you think it would not do to have them turned over to the council? Or to be voted upon by the people? A. I have strong objections to the people electing officers; it is too much like the American system, particularly with regard to the registrars. Supposing they gave the registrars salaries all over the country, instead of paying for the particular work done, I think it would cost the Government a good deal more than at present They would have to fix minimum salaries, where there was little or no work. I think the fee system is preferable. I am in favor of the fee system prevailing as it is now.

Q. Would you fix any amount which the officer was to get out of the fees? A. I think in large places like Toronto, Hamilton and Ottawa, where the fees

are pretty large, I would favor the present system of giving a certain percentage over to the Government.

Q. You generally approve of the present system as to the appointment and paying? A. Yes sir.

Q. Are there any other matters that you would like to speak of? A. No; there is nothing that strikes me at present.

Mr. ROBINSON: Have these questions been agitated in the council at all? A. No sir.

Q. They have not come up for consideration? A. No sir.

Mr. JOHN BARWICK, Woodstock, Ont., appeared before the Commissioners and was interrogated as follows:

I was for twenty-one years consecutively, reeve of the township of Blandford, the neighboring township; and during that period I was twice warden of this county. I might mention that for thirty-five years I have been auditor of the criminal justice accounts. I think it might be of interest to show you a communication I received from the Government in 1859.

The CHANCELLOR: How do you think these officers should be chosen? Would you give the power to the council, or electors of the municipality, or would you leave it with the Government? A. I would leave it with the Government, for this reason, I think it should be put aside from any local feeling. I think that the Government represent the people just as much as the county council does and therefore I think that the Government would endeavor as far as lay in their power to appoint suitable persons. I think that when the confederation of the proviences took place the prominent men on both sides of politics introduced or approved of that measure, and I think we should give it a fair trial. No law, of course, is perfect, but as far as I can see, I think the present law works satisfactorily.

The CHANCELLOR: You do not know of any grievances arising from the present system that would justify a change? A. Well, all systems have faults.

The CHANCELLOR: But that would justify a change, anything better that could be substituted for it? Do you know of anything that could be better? A. No, I think not. I may mention during the time I was a member of the county council, the county treasurer's accounts were not in proper shape. I was chairman of the finance committee for many years. As chairman, I made a report in reference to his accounts being properly audited. The personal influence he wielded prevented any action being taken. It went on for some years and the result of it was, that his accounts were found to be wrong, and that his sureties had to become responsible. There was a great deal of litigation about it; it came into the courts. I think the chancellor had something to do with it when practising at the bar.

Mr. ROBINSON: Do you speak of his influence wielded in the council chamber, amongst the councillors? A. I speak of his influence in the council chamber which prevented an examination of his accounts. The minutes of the council would show that we required at the usual audit that a certificate from the chartered bank in which the funds were deposited should be furnished to the county.

The CHANCELLOR: Do you think those officers should be paid by fees or salary? A. I should say by fees. I do not wish to speak of anything I am not conversant with, but it is just a question of whether fees after they rise to a certain amount ought not to be funded; that is done now I understand. But some may be excessive and some not of sufficient amount to pay them.

The CHANCELLOR: In the case of the registrar he takes up to $1,500 and after that he pays a percentage to the municipality. and the sheriff pays a percentage to the Government. The sheriff gets up to $2,000 in most counties. Do you think that is an unreasonable sum for sheriff, $2,000? A. I do not think so; they are responsible. Of course I have no personal knowledge of it, but they are subject to great risks, I understand, and I should think it was only reasonable.

The CHANCELLOR: About the county attorney and the clerk of the peace, you had a good deal to do with auditing the accounts; do you think it would be better to pay them a salary instead of having these taxations and examinations of accounts for use between him and the treasurer? A. I think a continuance of the present system best. In reference to the license commissioners, I should prefer throwing the responsibility on the Government, and if they do not do right they will be turned out.

MICHAEL WALSH, Ingersoll, Ont., appeared before the Commissioners, and was interrogated as follows:

I have not been in any municipal office. I was a school trustee once. I am a practising barrister and solicitor now.

Taking these officers as they are stated on this list, it is a question between the appointment and election of them I believe. I would be opposed to their being elected by the people or appointed by the council. I would prefer their appointment by the Government in power. The present system is preferable. I am of the opinion that if they were elected, the service would be more inferior and it would produce favoritism. Chosen by the council would be less objectionable than election by the people in my judgment, but, I would prefer the present system to either.

The CHANCELLOR: You would not be likely to get better servants if the councils chose them, would you? A. I think it would be better than if the people elected, but not better than the present system. I am speaking of my own experience. From my observation of the working of the elective system in the States, and from conversation with American advocates, for the last twenty years, and judging from those, their system would not be as good, in my opinion, as ours; that is, if we followed their system it would likely result in the same evils to a greater or less extent.

The CHANCELLOR: Have you spoken with both sides of politics in the States, Democrats and Republicans? And do they deprecate their elective system without distinction of party? A. Yes. The American lawyers I have spoken to in the last twenty years, have preferred our system, and point out the evils their system gives rise to, inefficiency and corruption. Corruption connected with favoritism, buying their places, and currying favor while in office.

Mr. ROBINSON: Have you any practical experience in their offices, examined their registry offices? A. No; I have no practical experience in that way. Taking the next general head as to payment of these offices, I think it is fairer

to the public that the present system of payment by fees should remain, but if the fees are too high in any case, that of course should be remedied. I am not prepared to say perhaps in some cases the fees are not too high. So far as my knowledge goes they are not unreasonable and I prefer the present system.

The CHANCELLOR: The county attorney and clerk of the peace, would you think a fixed salary should be paid them instead of fees? A. I am not so familiar with them, but I have formed the same opinion as far as I have formed any as regards them; I would leave it as it is.

The CHANCELLOR: In the case of Division Court clerks and bailiffs, would you favor carrying out to a greater extent the principle that appears in recent legislation, having a lump sum fixed for costs there instead of items? Say in a $10 claim a lump sum paid for costs. Have you considered that question at all? A. I have; I think it comes under the same principle as the others, that the payment of fees is fairer and should remain.

The CHANCELLOR: Then you think the present fee system in the Division Court, I take that court because the litigants are poor people and often manage their own business; is he liable to be abused in the way of extortion, paying fees that ought not to be charged or anything of that sort? A. Well, I cannot say that I have any experience of that sort of thing. I cannot remember any complaints reaching me, because as a rule the clients have some lawyer behind them who knows the fees, and the clerks and bailiffs know that also, and if they were disposed to be extortionate or charge excessive fees, it would be known.

The CHANCELLOR: Have you formed any opinion as to the amount these different officers should receive? A. I have not. As to the appointment of license commissioners, I do not know but I might in this case favor appointment by the county council; the whole body. Their duties differ so materially from the legal duties of the other officers, and concern the people so much more directly; and the county council, acting for us directly through the people by election, it would be perhaps, a more competent body to carry out the wishes of the people in connection with temperance and the liquor question

The CHANCELLOR: Then you think the public is educated so far in the matter of views on temperance, that they might be relied on to carry out the liquor law as efficiently as the central Government would? A. Yes; the public has a greater interest and more experience in connection with liquor and its evils, than they have with regard to law fees, and are better judges of that question than they would be of the other questions which they are not familiar with as a rule. I would favor letting the council choose the commissioners. I would also say that so long as Division Court clerks and bailiffs are appointed by the Government, they should be prevented from voting at elections for the Legislative Assembly, for the same reasons that sheriffs, clerks of the peace registrars, etc., are denied that privilege under the Election Act.

LOUIS F. HEYD, Brantford, Ont., appeared before the Commissioners, and was interrogated as follows:

My family lives in Brantford, but I practice in Toronto. I was an alderman in the city of Brantford for one year. When I went into my clerkship I went into the office of the clerk of the peace and county crown attorney of the county of Brant. I spent three or four years in his office and have been connected with the practice of law ever since. I have filled the office of crown officer at some of

the assizes, and had more or less business with registrars, sheriffs, county attorneys, and all the officers connected with the administration of justice.

With the present condition of affairs in the country, I do not see any great advantage in changing the method of appointment of the officers under the control of the provincial Government. If the population and the business were greater, I believe the better officers should be elected by the people directly. I refer to the registrar of deeds, sheriff, county judge, and local master. I would not elect them for life; I would elect them for a limited period. I do not apprehend the people would select inferior men. From the result of my observations, each one of the political parties would make an effort to select the best men. I made enquiries in Wisconsin, New York, and Michigan, and also in Chicago to a limited extent. The desire of the people is to elect the best men to those offices. With reference to the judges, I believe if they were elected by the people, that they would be in their offices six days in the week instead of one, as most of them do now. I do not think there is any class in the community that does as little as the County Court judges, or neglect their duties more than they do. I am speaking of those I have met from time to time; I have no reference to any particular one. The people would be able to select just as good men as have been appointed by the Government.

Mr. ROBINSON: You think the people would get others in their places when they would be getting too old or incapable? A. I think it would be stimulating to them. I do not think it would take the people long to make a change. I do not think the objection that is raised to the election of judges, that it will influence their judgments by a desire to retain political support amounts to anything, because I think the great mass of good in the community so overwhelms any disposition on the part of people to ratify improper conduct, that it does not amount to anything. The natural promptings of a good man will prompt him to do his duty, and have the satisfaction of knowing the great mass of the people approve of conduct of that kind.

Mr. HOBSON: Taking New York as an illustration, it hardly bears that out? A. I do not know enough of New York city. I do not think one is capable of expressing an opinion without having an intimate knowledge of the conditions existing there. I think the people who are qualified to select a mayor of a municipality are quite capable of selecting a judge. I think the change would be a good one.

Mr. ROBINSON: Are you aware the Bar of the State of New York have condemned the popular appointment of judges? A. I am not aware of it.

Mr. ROBINSON: Of course it is a serious question? A. It is a big question. I would have these officers elected for a limited period, say ten years. I would embrace a number of counties and appoint district judges. I think there are too many county judges; there is not enough business in each county to occupy these judges' whole time.

In reference to the registrar of deeds and sheriffs, I would be in favor of giving them a salary. Outside of a few counties and cities, I think $1,500 a year is an adequate compensation for the amount of ability and labor that is required. I would maintain the present system of fees. I would reduce the fees, if it were necessary, to just such an amount as necessary to pay the expenses of the office. I do not think they should be regarded as money-making concerns. They should be simply self-sustaining. In many cases the fees could be reduced; it would stimulate an increase of business.

Mr. ROBINSON: In other words you do not approve of the percentage over the $1,500, being taken by the Government or given to the municipality? A. I think the Government should have a sufficient amount to pay the necessary expenses of subjecting all these offices to proper inspection. I do not doubt the efficiency of the present inspection; I am not saying a word against the inspection. I think $1,500 a year is an adequate compensation for the registrars of most counties. I think the amount that should be realized from that office should pay all the expenses of the registrar, his assistants, subject the office to proper inspection and the running expenses, and then it should stop. I would give him $1,500, clear, and hold him responsible for mistakes made in his office by his deputies or clerks; I think it is his business to see the work is done properly. These offices have been in existence for such a number of years that one knows pretty near what the responsibility is that is attached to the office, and the result of my experience has been, I only know of one or two mistakes by registrars, and they were purely due to carelessness.

Mr. HOBSON: Q. Sheriffs have been put in for a large amount of damages in the province, even when they have followed the advice of their solicitors? A. It is the misfortune that the law was bad.

Mr. HOBSON: Q. But take the case of the county of York where the sheriff was put in for $2,000 damages and more? A. Is not it due largely to the fact that the sheriff of the county did not devote his personal attention to the matter and relied on the services of his clerks?

Mr. ROBINSON: Q. Several judges upheld the sheriff, two took the opposite view; it went through three courts? A. That was due I should think to some defect in the law and should be put in better form. My remarks had not reference to a place like the city of Toronto, where there is such an amount of business that the sheriff could not be expected to be cognizant of everything; I am speaking of the ordinary country offices now. It requires to be considered in a different way in the large cities. I confess I do not know enough of the workings of the office of the city of Toronto to be able to give an opinion that I would ask any gentleman to act on.

In reference to the offices of the clerk of the peace and the county attorneys, I think counties are now subjected to a lot of expense, and people subjected to great annoyance, that if these officers were not paid by fees, would not be the case. Take this county as an instance; I think if the county attorney's fees were commuted to a salary, he would not be actuated by the influences which I know actuate all that I have come in contact with. Cases are pressed that should not be pressed, and that they know cannot possible succeed, gone on with for the sake of the fees. I know that in the performance of my duties as crown officer, that influence presents itself in a very substantial way. I think a change would be decidedly to the advantage of the country. I have in my mind an instance where a man was prosecuted for seducing a girl under the age of twenty-one years under promise of marriage. It came to the knowledge of the crown attorney that the young man was under twenty-one, and that a conviction could not be obtained legally. The young man was committed for trial on the advice of the crown attorney, and tried and discharged. It might be desirable in one respect, to have this, in order to enlighten the people, but I do not think that the benefit derived from that course justifies any such mode of procedure. I have seen enough of it to condemn it. I have no hesitation in saying that should be changed. The county attorneys should have a fixed allowance, proportionate to the amount of labor that they do, based upon what they have made, say during

the last five years. The result of it would be that many cases that are now pressed would not be pressed, and the county would be relieved of a very large expenditure of money.

Mr. ROBINSON: There are, we have heard, situations under the Government where salaries have been given, they have turned out rather a failure in that way; such as local masters and judges I think of the Surrogate Court? A. Well I think, taking the judges of the Surrogate Court, that the system of life-long appointment is to blame; the judge begins to feel that he owns the office, and that the difficulties of removing him are so great, that it gives him no concern. If he knew he had to attend to his business like other men who fill public offices, he would be more energetic, and the revenue would not diminish.

Mr. ROBINSON: You think then, that commutation system was not much in the interests of the people? A. I do not know enough about the figures with reference to those offices, but I fail to see how such a loss necessarily follows; that office is hardly in the same position as the office of the county crown attorney. I advocate the attorney being paid by salary.

Mr. ROBINSON: Well, he would be there for life wouldn't he? He might not attend to his business? A. I have not advocated he should be there for life. I would put them all on salary, and elect them by the people.

Mr. ROBINSON: Well, but as to the judge, in the performance of his duty, is that not well cared for now by the system of inspection? A. I do not know what system of inspection there is over the county crown attorneys.

Mr. ROBINSON: No; I do not think there is any over him, except perhaps the regulation of his accounts? A. Yes; the accounts come up before the auditors. A man has been committed for trial, and he has been tried by the county judge, but the auditors are in no position to judge of the matter.

Mr. ROBINSON: But all these registrars and the different officers of the surrogate court, they are all subject to inspection? A. Yes.

Mr. ROBINSON: Touching these registry offices, what do you think of the appointment of deputies? Would you make any change in the system at all? A. I would let the registrar appoint his own deputy at a salary fixed by the Government. They shall say the registrar of the county of Norfolk shall receive $1,500. If he required an assistant, his salary shall be $600 or $700, as the case may be. The registrar would have the power of appointment; if he did not suit him he could discharge him; I would not have him pick up a cheap man. If he can get a man at $300 he will take him. If the registrar of the county of Norfolk needs an assistant in his office, he shall be paid $500 or $600, a year as the case may be and let the registrar appoint him. As to the sheriffs, I do not think any of the sheriffs outside of the big cities, except those incapacitated by old age, require an assistant. They require a bailiff. I do not think he should be appointed by the Government. The sheriff is civilly liable. I do not think the sheriffs, except perhaps in a few large offices where there is an immense amount of business, ever require an assistant. The registrar should appoint his own assistant, at such a salary as the Government thinks it worth. If the registrar gets $1.500 a year, his assistant should get $500 or $600.

Mr. ROBINSON: Do you know of any system like that in vogue in any loan company for instance? A. I think all loan companies are done like that. I think the very same principle should be applied to the registry office. Say a

change was to be made, the inspector of the office knows just how much work is done in a particular office, and knows how much the assistant is required to do, and should say, you shall have an assistant at $500 or $600 a year, but you select your own man. That would prevent the abuse that occurred in Peterborough. I would prevent him being placed on a starvation salary. I do not think the sheriff in this county gets enough. I think such an office as sheriff should be such a position that should be looked up to with respect and should be an office of some dignity. I do not think the sheriff of this county at $1,000 a year can live in a way fitting to the position. I do not think the office is superior to that of the registrar; I think those officers should receive about $1,500 a year, and I think there would be no difficulty in getting men who are capable of filling them and performing duties satisfactorily at that salary. Under the present system, I do not think the sheriff of this county gets enough. Local registrars and deputies, I think get too much; they should not get $2,500 or $3,000 a year.

Mr. ROBINSON: Their duties are very important; they handle bigger things in local matters than do the county judges, these local masters? A. It involves their discretion in a bill of costs; I know of no other discretion that they exercise.

Mr. ROBINSON: Their jurisdiction is a little less than a county judge's. In the examination of suits for instance? A. I do not know of any jurisdiction the local registrar has got involving any discretionary powers except in taxation of costs. In examinations they have no discretion. They administer the oath, and if an objection is made in the examination, he simply notes the objection; he has no power to direct the person examined whether he shall answer or not. The power of taxation of a bill of costs requires a man of integrity but no great or special amount of ability. In the taxation of bills of costs, when its comes to the taxation of certain fees, for instance, a counsel fee, he has a certain discretion whether he will make it $20 or $30 or $25. That is about the only duty that I know the registrar performs where he is vested with any discretion.

In reference to license commissioners, I would not make any change at all in that system. I would not have them elected by the people; I think the present method is efficient.

Division Court clerks and bailiffs, I do not see much change is required; except I think perhaps the bailiffs or some of them, could be abolished. I would keep the appointment of the clerks as it is, and also bailiffs. I think perhaps we have got too many bailiffs. In the country where there are a number of Division Courts, I think one person could be bailiff to two or three courts, and I would reduce the amount of fees paid to the Division Court clerk and bailiff. I think it is altogether too expensive to be a poor man's court.

Mr. ROBINSON: Would you reduce the expenses to the suitor, the poor suitor, in the mileage? A. Clerks and bailiffs get too much for what they do. I know of a little suit involving $4 or $5 I had a little while ago, in a short time the costs ran up to $8 or $9. I do not know what fees they are, but it struck me it comes too high. I think it could be reduced in the interests of the public, not in the interests of the Division Court clerk or bailiff. It is just a question whether the whole office of bailiff could not be abolished, and constables perform those duties. I do not see any reason why it could not be done. I am not speaking of city constables, but in the counties. I do not think the constables get enough. You would get a better class of men as county constables if they could make something in this way, without taxing the community in any way. I do not see why a warrant to make a certain amount of money,

under a Division Court execution, could not be done by a constable as well as realizing a fine under a warrant of a justice. I would advocate that change. Perhaps in cities where there is enough work for one man, it would not be more desirable. In most country courts, I think if the Division Court clerks had the power of issuing an execution directly to a constable of the court just the same as a justice of the peace can do it to levy an execution to pay a fine, that would make a better class of county constables, and would be done just as well. I do not think there is any office in which there should be a change quicker than in the office of the county crown attorney. I think it is conducted on wrong principles, and an immense amount of hardship and injustice being done.

ALEXANDER McCALL, Simcoe, appeared before the Commissioners, and was interrogated as follows:

I am at present mayor of the town of Simcoe, and have been in the council for some three or four years. I have glanced over the list of questions submitted, and may say that I am very familiar with these questions from the discussions for the last year or two in the press and otherwise.

I am inclined to this point, that if a change is to be made, more power should be given to the county councils, and every appointment that is not directly in connection with the administration of justice, be made by this body to bring the officialism of the county or civil service more in touch with the people. I think it might lead to the choice of better men. Men would be chosen on their merits and standing in the community, rather than their political services.

The CHANCELLOR: Q. Would you apply that system now to how many of the officers there? Would you include the sheriff and county crown attorney and clerk of the peace? A. Well, I am hardly able to judge of their various duties.

The CHANCELLOR: Q. Are you speaking more particularly of the registrar? A. The registrar and sheriff, if their duties are not judicial, and deputy registrars of the High Court of Justice. What is known as the county attorney, I should think his appointment should be like the judge; he is in communication with the attorney-general, and should be an appointee of the Government. I am not cognizant of what all his duties are. I would favor the payment of these officials by salary, and the fees to be funded in some way. I would be inclined to give them a fair allowance, and to avoid, if possible, these inequalities that the same office in one county is poorer paid, and in another county is overpaid. The Legislature could grade the counties and classify them, one, two and three, according to population, area, assessment, and the amount of business, and income, and making for the office of registrar, and sheriff, perhaps $1,200 the minimum, and $2,000 the maximum. I would have that done every four or five years. That system prevails in many of the States, and it seems to be a simple way of fixing the salary. A sparsely populated county would not pay a poor salary, and a rich county would not pay too large a salary.

The CHANCELLOR: Q. Have you been a witness of the system at all in the States? A. No; but I have observed in States like Michigan and Ohio occasionally the question comes up, the salary bill, and I observed the counties were graded.

The CHANCELLOR: Q. What about the license commissioners? Have you paid any attention to their appointment and duties? Do you think they could be changed? A. I think that the license commissioners could rest as they are; it is not a serious question. The duties are purely official.

The CHANCELLOR: Q. You would not approve of a return to the old way of appointing them, as far as the council or people are concerned? A. Not of the licensing power with the county council, but the appointment of inspectors might go there. The same result would be got if the county appointed the licensing board.

The CHANCELLOR: At any rate we gather there has not been any complaint in your county? A. No; I do not remember of any serious complaint.

The CHANCELLOR: Have you anything to say about the conduct of Division Courts, or the appointment of clerks by the county judge? A. I am not very familiar with the scale of fees. It seems though, that as the question is to be revised that they might be appointed by the township councils. Their salaries and incomes are very small and their duties light.

Speaking of bailiffs and clerks, it could be attached to the office of township assessor. Sometimes the bailiff is appointed township assessor; sometimes the Division Court clerk is the town clerk. It seems the council could make the appointment, or recommend the appointment of such a person to the county judge, and he appoint and control them and inspect them.

The CHANCELLOR: However, talking in a general way, in your opinion the costs that are attached to small suits, are they too expensive in your opinion? A. Well, they are not sufficiently extensive to be worth being mentioned. As far as the speedy collection is concerned, they are not expensive. Bills are often run up by executing a writ, in selling, advertising and re-advertising the sale; giving the debtor time, that makes a bill of costs, and too often it is the plaintiff that pays it in his attempt to collect. My own opinion is the court should be abolished.

The CHANCELLOR: You would abolish the Division Court, and what would you supply in its place? A. Well, a magistrate or the county judge. There should be some way of collecting a note, or the acknowledgment of a debt. The magistrate could issue his warrant to call upon a man to show cause why he should not pay a note, settle it the same as the county judge perhaps.

I wish to be put on record, that I would like the whole civil service of the county brought more directly under the control of the people's representatives, the county council, and bring the civil service more in touch with them. People chosen by the people to do their work, and be in the service of the people. The present system is open to some objections, I think. I am speaking of the various offices.

The CHANCELLOR: The county council do not pay much of the fees of the registrar; it is the people who do the business in the office particularly? A. Yes; I suppose.

The CHANCELLOR: Suppose that were changed, how long would you have them elected. A. During good behavior. I would keep them as long as they are able to do the work. If a man seems to be unable to do the work he must retire.

WILLIAM STEWARD, East Zorra, Ont., appeared before the Commissioners, and was interrogated as follows:

I am not in the council of East Zorra at present. I have been in municipal life for a number of years; I could not tell you how long.

I may say at the outset, that I was asked rather unexpectedly to come up and offer evidence to the Commission, and I have not recently been looking over the matter.

Taking the first division of the officials mentioned, I am not in favor of a change. I approve of the present system, because I think there is a great deal of difficulty overcome by appointment by Government, that would not be by any other way that could be suggested. I know that when in the county council, we had a host of difficulties in connection with lobbying and button-holing, (if you chose to call it by that name) that would be avoided by the Government in power, and they can easily ascertain the requirements of the officers.

The CHANCELLOR: You are speaking of election by the people or by the county councils or both? A. By the Government. I do not approve of the election by the people because of the difficulties that I have seen always facing a county council in connection with appointments. I am speaking from my experience in the county council.

As to the manner of paying these officers, I approve of there being paid their salaries by fees; the fees being funded and the salaries being paid therefrom. I would have salaries. I think those that are doing business in that line ought to contribute to the expense incurred.

The CHANCELLOR: In the case of officials having assistants, would you let them choose their own men and pay them the price they could be got for? A. I always consider that those that appoint, the head of an office, would know what is required. I would leave them to choose the people, and make the payment proper under the circumstances; always considering the amount of salary paid in connection therewith. I have no objection to the present appointment of sheriffs at all. Taking all these officers together, I think the Government should appoint them.

The CHANCELLOR: Are there any other officers you would like to speak of? As to license commissioners, there has been some talk of their being appointed by the people. A. I am one of those myself, and consequently would not desire to speak of it. In the matter of remuneration, if that is taken into consideration, it is on the wrong side of the ledger altogether.

The CHANCELLOR: I think there are no complaints made of the remuneration received by the license commissioners. A I have not heard anything spoken of in that respect. I do not see why there should be either. If you hire a horse and buggy to do your business, you will find you will come out on the wrong side all the time. Of course I might say this, that taking the whole into consideration, I believe the whole should be placed upon a purely commercial standing, always taking into consideration the responsibility that is in connection with the heads of all departments. There must be that always taken into consideration, according to my opinion. I will draw the analogy in this line; we will take here a man that is appointed by the Grand Trunk to manage and superintend the station at Woodstock, and a man carrying the same amount of responsibilty in connection with the appointment by the Government; I do not care whether it is a registrar or any other officer in connection with all these that are mentioned here, pay the some in proportion, always taking into consideration, the amount of responsibility that is incurred; you understand that is what I meam.

Mr. ROBINSON: You would place it on a business footing? A. Yes.

Mr. ROBINSON: Would you make them attend to their office all day and do nothing outside? A. I do not say a man should be kept continually in his office, but I would keep him very much in connection with it during office hours.

L. L. SOVEREIGN, Waterford, Ont., appeared before the Commissioners, and was interrogated as follows:

I have lived all my life in the county of Norfolk. I had a seat in the county council for six or seven years, and was warden of the county for two successive years. I glanced over the questions submitted; the circular that was sent me some time ago I have heard the discussion as to appointment of registrars and sheriffs, and I must say I approve of the Government appointing them as against either of the other ways, because I think better men would be placed in the positions. For instance, take it on the other side in the United States where they are elected, and the man having the most money would be sure to take the election. As far as I have been able to learn, I approve of the Government appointing them and holding them responsible, although I have not had much of that experience myself. If the council had the appointment of those men, my experience has been while I was connected with the council, that partisan spirit would enter largely into it. Party politics run very high and always have in this county. There is a sectional feeling. I do not think appointments are now made by the Government as a reward for party services, not wholly so. I am speaking of the qualifications of this county only. As far as my knowledge extends, I think the Government has usually made fairly good appointments; appointed men who had the necessary qualifications to fill their offices fairly well. I can name one or two in my short experience, that is the registrar of deeds.

As to the manner of paying these respective officials, I think they should be paid by commission. I would rather have the present system remain; pay them by fees. The people having most business will have to pay for it. I am speaking now of the registrar and sheriff and all the officers down on the list.

Mr. HOBSON: Q. There is a question that does not appear on that list that seems to me an important one. You have had a good deal of knowledge of county business and financial matters done in the county council, do you think it is desirable there should be what may be termed an expert auditor to audit the county accounts? Usually, I presume, in most of the counties, like our own, there is chosen generally from the retired councillers, someone who may not be termed a professional auditor. Have you any reason to think a change is desirable? A. No; we always had first-class men here to audit the treasurer's accounts.

As to the salaries of the registrar and sheriff, I think they are paid pretty well by the fees they receive, taking everything into consideration. Paid well, taking it in proportion to all other business; for instance, take the agriculturists, I think they are paid too high.

Mr. ROBINSON: Are you aware the minimum salary now is $1,500 for a registrar and over that the balance is paid over to the Government or the municipality in proportion, a certain percentage.

Mr. MASON: Q. $1,500 is the lowest; they are allowed to keep up to $1,500. After that they get a certain proportion? A. I thought it was more than that.

Mr. ROBINSON: Q. There was a change last year. That would not be an excessive salary in your estimation, would it? A. No, not $1,500. He has to keep his deputies.

Mr. MASON: The net income of your registrar last year was 1,960? A. We have got a good man, Mr. Donly. It has cost the county a good deal of money in the last eight years, in various ways. For instance, the registrar this last few years has made it imperative upon the county council to have all maps

of the county, and have them all indexed, so all the work of the whole county has to be repeated. Of course it is for his convenience wholly and solely, there is no doubt about that. Anybody registering an instrument will get no benefit whatever. The Legislature of Ontario provided for such work.

Mr. ROBINSON: It will benefit the county in some way? A. Benefit the officials, of course.

Mr. ROBINSON: He makes it imperative and they have to foot the bill, and in your opinion he has done more than is required under the present circumstances. A. No more than the law will permit him, no.

Mr. ROBINSON: Well I suppose he considers himself judge of the requirements of the county. Then as to the appointment of his deputy, he has that appointment himself? A. I presume so.

Mr. ROBINSON: Would you advocate the Government taking that out of his hands and paying his deputy, because it has been said deputies are sometimes kept at starvation salaries while the registrar and sheriff have more than they ought to have? What would be your opinion about that? A. He should be perfectly at liberty to choose his own officers and pay them what he thought right.

Mr. ROBINSON: If otherwise, you think perhaps trouble would spring up in the office? A. I could not just say as to that.

Mr. ROBINSON: Are you acquainted with the duties of the county attorneys and clerks of the peace and those men? A. My observation is very limited in regard to that; all my experience is in auditing the accounts. I think there is a great deal of "red tape" in the matter.

Mr. ROBINSON: What would you suggest as an improvement from your experience as auditor? A. Well, I can give an expression of opinion. I can just refer to one action. There was a fellow arrested some years ago for attempting to ditch a train. That trial cost the county several hundred dollars in one way and another. Of course I was ignorant of the whole matter. I fell in with what was done, but I know it cost too much money; at least, in my opinion. Of course that was a very serious crime.

Mr. ROBINSON: Speaking generally, do you see any improvement that could accrue in these accounts rendered to the Government by these respective officers? Have you suggested anything to them or the Government at times? A. No sir, I have not. It is a pretty difficult thing for a layman to do such a thing, especially with the crown attorney there. I do not think it would improve matters if these officers, the county crown attorney for instance, was paid by salary instead of fees for the criminal work.

Mr. H BSON: I think, Mr. Chairman, that the county attorney and clerk of the peace are at liberty to make an arrangement commuting fees.

Mr. ROBINSON: Yes; have they done it in your county, Mr. Sovereign? A. No; the fees have been light in both those offices, starvation prices; if a man had not got money outside of that.

Mr. MASON: Do you think the sheriffs of the country are overpaid, considering the risk they have, and responsibility? The net income of the sheriff in this county last year was $1,753? A. He is not overpaid in this county.

Mr. MASON: And the sheriff disbursed $600. His net revenue appears to be $1,050. A. As to the appointment of the license commissioners, I think that should lie directly with the Government as it is at the present time. That is the only way to keep out local influence and local prejudice of every description; I would keep things as they are.

Mr. MASON: Have there been any complaints with regard to the Division Court clerks or bailiffs, in your jurisdiction. A. No; nothing that way. There has been criticism. Nothing that has any bearing whatever, nothing that would lead anyone to suppose a change in the method of their appointment would be any better. They all receive small salaries in this county, every one of them.

Mr. MASON: Has there been any agitation in your county council with regard to any change in the system of appointment? A. Well, I will simply say that with the county council here, it is all owing to the quality of the memorial that is sent before them. If it has a direct bearing upon the Government and indirect upon the other side, it is dealt with accordingly.

Mr. MASON: As a matter of fact, has your county council ever passed any resolution upon the subject of appointments? A. I cannot just state the quality of such, but I know there was at the time of my connection with the council. I cannot just state what it was. I know if it was anything contary to the provincial statutes, the warden was authorized to memorialize the Government to that effect. If it was a Dominion issue, why it was all right. Politics have run very high.

Mr. MASON: I suppose you think it would not help matters by bringing in another class of officers for election into the same arena? A. I would not suggest it at all. It would make it worse.

Mr. ROBINSON: Irrespective of politics, do you think we have elections enough? Are there elections enough in these different places for Ottawa and the Local House? A. Yes; that is my opinion. The people are bothered enough as it is.

GEORGE INNES, Woodstock, Ont., appeared before the Commissioners, and was interrogated as follows:

I never sat in a council in my life as councillor. I have examined this list, and in reference to the appointments, I would not by any means turn them over to the people to elect or to the councils, as I have seen so much of the elective system in our township affairs, that I do not think the people in all cases elect the best persons, sometimes very poor ones. What even the electors themselves do not consider the best men. The best hail fellow is the one great item in the public man, and sometimes we give our votes merely for fun.

As to payment, I favor the fee system in this list all the way through, instead of salaries. I think that is better, because I think each officer should be paid a reasonable amount for the work done, and the fees show the amount of work done.

The CHANCELLOR: And I suppose some of these officers would be more apt to keep office hours. The sheriff if he got a salary would not probably open his office to take a writ, or open his house to take a writ any hour of the night? A. No, might not; he might tell you to come to his office in office hours.

I have very little aquaintance with the license commissioners, and would not care to speak on that point. I have not had much to do with the registrar of deeds either.

The CHANCELLOR: Is there any agitation in your part of the country to make a change? A. not to any great extent that I am aware of. The people are satisfied as things are as a general rule. As to the registrar of deeds, I think the portion that goes over a fair salary to the registrar, in my opinion, should go to the Government instead of to the municipality. I do not see that any person in the municipality has any right more than the general public to get the money that other parties have paid for work done.

The CHANCELLOR: Q. The only thing is, the municipality has to keep the buildings in repair, the registry office, and furnish the books and pay running expenses, fuel, light, etc.? A. That is an item I did not think of. The municipality should be recouped by the amount expended by it.

Mr. MASON: Q. You have been township treasurer and clerk for some years, and you are speaking from your experience as township treasurer and clerk that it would be better to have these appointments made by the Government? A. Yes. I have been in that position for fourteen years; I do not believe in putting these appointments in the hands of the people. I think they have enough to elect now as it is.

JOHN WHITE, Woodstock, Ont., appeared before the Commissioners, and was interrogated as follows:

I have been mayor and president of the board of trade in Woodstock.

I hold very strong opinions in favor of the appointment of all these officers as at present by the Government.

The CHANCELLOR: Q. Why do you approve of that as distinct from the other methods of election and selection by the councils? A. My observations of the elective system which prevails in the United States, and our system of appointment by the Government had led me for many years to prefer our system to theirs. It seems to me there is a lower scale of public morality and honesty there, from the highest to the lowest officials in that country than in this country.

The CHANCELLOR: Q. You find they have as good a class of officers? That is speaking of the calibre or capacity of the men? A. No, I do not. I think the officers of this country as appointed by the Government are much superior to the officers appointed as a rule by the elective system in the States, much more than the average.

The CHANCELLOR: Q. How would you favor appointment by the municipa councils, county councils? A. Well, wherever an officer can be appointed by the Government I would consider that it would be a better appointment, as a rule, than by the local authorities, owing to the system of what they call in the States, log rolling, and each man coming so closely in contact with his supporters that sometimes his judgment is biased in favor of a supporter who might not be as fitting a person to fill the office as one whom he might choose if he were not so trammelled.

The CHANCELLOR: I suppose the restraining influence of public opinion is greater in the case of a head Government than it would be in the case of the county councils? A. Yes; I think they get away further from the local influences that might prevail.

I might state also that in crossing the Atlantic for the last twenty-five years at least twice a year, I have come in contact with many of the best men in the States, from the governors down, those who have a deep interest in the welfare

of the country, and I have not yet found a man who had an interest at stake in the country, but who would very much prefer our system of appointing officials to theirs. I have often discussed it, and they said it was the worst feature in their constitution, and may lead yet to serious trouble in order to get rid of it. That is the election of officers.

The CHANCELLOR: Q. It may work where you have a highly civilized, moral, and educated population, but where you have a numerous class coming in, a lower class coming in, uneducated people from Europe, giving them popular suffrage, it is disastrous? A. Yes. Some prominent Americans discussed the advisability of stopping immigration, simply because they said the country was being ruled by them and the offices were largely filled by people who were illiterate and not responsible for the good appointment of officers. Officials were put in office by the popular vote. He said sometimes a glass of beer, or fifty cents, or a quarter of a dollar would buy their vote at any time; they had no interest in the country.

The CHANCELLOR: Has there been any agitation in favor of the elective system. A. I have heard very little of it. Indeed when you go to those who thoughtlessly might wish the change, I find they have no decided opinions in favor of it. It is merely just a little talk for election purposes. They have not thought it out to the results.

Mr. HOBSON: Does there appear to be any strong feeling in the direction of wishing the councils to have control of all or some of these appointments? A. No; I think that it is only being promoted by a few political agitators for election purposes. I do not think the feeling is at all general.

The CHANCELLOR: How about the salaries or payment by fees? Would you favor fixed salaries, or let the officers receive the fees? A. I would prefer the fee system as at present. With regard to remuneration, I do not know whether a system could be adopted whereby in certain offices that receive abnormally large fees, the fees could be funded when they are in excess of a certain maximum fixed by the Government, and where the fees are too small, considering the position of the men who are asked to fill these offices, and the responsibility attaching to them, whether these should not be supplemented from the surplus accruing from the large offices. Take the surplus from one county to make up the deficiency in another county.

The CHANCELLOR: Have you thought of the amounts that the officers should receive, say a fair average for sheriffs, in the counties, registrars or county attorneys and clerks of the peace? A. I have not given much attention to that, but I should say always a fair remuneration should be given to all these officers who hold these responsible positions, in the interests of honesty and good government, in order to get the right class of men. You would not get the right class of men unless they were well paid.

I think, considering the responsibility and the bonds that registrars have to give, and sheriffs, that $1,500 would be a low minimum. It would be difficult to get responsible men to fill these responsible positions at a less salary than $1,500. I should think one who has to fill the position of registrar or sheriff would make more or as much in some other positions.

The CHANCELLOR: How would you deal with the question of deputies or assistants, the different officers required and their manner of payment? Would you leave that with the head of the office to choose his own men and pay them or would you restrict him in any way? A. Well, as a large employer of labor, I

should say, I would decidedly prefer to choose my own men, as I would be responsible. If I were in the position of registrar, I would rather choose my own men and pay them, than have men that might not be in sympathy with me. I would put it on a business footing, the head of the office should make his arrangements for paying them.

The CHANCELLOR: There is an agitation going on in cases where the registrar gets in men to do the work, and getting them down to a low remuneration and making them do all the work. Can you suggest how you would deal with the case? A. It would be difficult to deal with that. I would have all these officers do their day's work; I would expect them to be in their offices and do their work, and they should have such assistants or deputies as the volume of the work required. If it was a small office, doing all the work; and if there was very much work, simply supervising. They would be responsible to the Government, and there is a remedy in case they do not do their work right.

The CHANCELLOR: There are only a few cases and they show what might happen? A. There might be one or two, but if they had the elective system, they would, in my opinion, have a hundred for one they have now.

The CHANCELLOR: They would want more men to do the work under the elective system that now, you think? A. No; but I think for one instance where they might point out a case where they did not give satisfaction they would find far more if the elective system prevailed over the present system.

The CHANCELLOR: We were told of one case where it was kept in a back shop, and a pile of deeds accumulated during the two years of office of one man and he turned them over to the next man that came. He said it was not his work to registrar up those deeds, and it ended in some special arrangement being made and some special price being paid to do the work. That is want of proper inspection in that case. A. I think making the change to the elective from the appointing system, that the Government would be so to speak, taking out the keystone of the arch of the British Constitution. I think it would be a very bad thing.

As to license commissioners, I have not given that much thought, but prefer the appointments being made as at present.

Dr. MEARNS, Woodstock, Ont., appeared before the Commissioners, and answered as follows:

I have been in a municipal council, but not in this town, for seventeen years. I was reeve for three years, and mayor and acting police magistrate for two years. This was Petrolia. I have considered to some extent the points in question here, and must say I am in favor of the appointments being made as they are at present by the Government for the reason that for many years I was conversant with the manner in which these offices were filled in the neighboring Republic. I refer particularly to the State of Michigan, and to my mind it is a very unsatisfactory way. Michigan is one of the best States I believe, one of the highest in intelligence and order, a State in many respects resembling our own province. The system there is corrupt to the core, and the officers that have been appointed to these positions, very many of them are dishonest and incapable, and extortion, blackmailing and filching prevail to a great extent.

Mr. ROBINSON: Has that system found favor with, or is it condemned by business men in the community? A. Well, by many of the business men it is.

But on the other side, when you ask for information there, they are so infatuated with their own country and think it is so very much superior to any other country, you cannot get the real truth out of them. The only way you can get at the truth is from your own observation and what you discover, and comparing it with our system here. Six weeks ago I saw the sheriff of a large city in the State of Michigan that I knew in this country twenty years ago. He was a very ignorant man; he was a tinsmith, and he was so ignorant he thought he was in business difficulties and he left in the middle of the night. Those who squared up his business found he was $200 to the good after paying all expenses. I saw him, and I asked him how he was getting along, and he said he had been elected sheriff over there of one of their best counties. I asked him how he succeeded in doing that. He said he succeeded in getting elected by treating the boys, and paying a quarter here and a dollar there. I made enquiry as to remuneration received. He said he did not care; he had been sheriff two years, and this was his second term, and if he made a third term he did not care if school kept or not; that was his expression. I saw him six weeks ago, and I asked him how it would be if the election went against him; they were going on in his county. He said he did not care; he had made $30,000 or $40,000. The election has gone against him I believe. He is a Democrat. I knew the man quite well and I cite this case to show how ignorant, incompetent men get into positions over there, and that is one of many.

The CHANCELLOR: Have you had anything to do with the registrar over there? A. Well, yes; I had something to do there three years ago. The registration over there to my mind, is very unsatisfactory. They do not seem to be responsible to anyone, and if you want to get at the true state of a paper, you have got to have recourse to private enterprise, some private firm or other who has made it their business to keep track of everything, and they are responsible to no one.

The CHANCELLOR: Or some guarantee society. They have those, I believe.

Mr. HOBSON: Paying dearly for it, I suppose? A. Yes; certain work I had to have done there three years ago would have cost me perhaps $3 or $4 here; it cost me $15 there. I had to pay the $15. There is no system of return so far as I know of; they are responsible to no one, except to those who vote for them, I suppose.

The CHANCELLOR: The Government can call on them for a return, but it is never done. A. Yes; that is the worst feature of it. If you happen to be on side of politics, and it is known to one of these people who are the most ignorant incompetents, and if you have any business there, he is very discourteous to you, and will not pay that attention to you and your business that he should do, if he knows you are not on the side of politics he is on.

The CHANCELLOR: They try to remedy that by saying a man shall not be elected more than twice or three times for the same office, or do they give him a third term there? A. He is elected as often as he can be elected.

The CHANCELLOR: I thought not. I thought in some States, after a man has been elected twice to an office, he shall not be elected again for another period of five or six years. A. Well, that might be; I do not know as to that. It is not in Michigan. That is the State I am speaking of.

The CHANCELLOR: As to the compensation of officers, what do you think of that? A. Well, I believe those who require the work performed should pay for it. I think there should be a limit to the fees. That thing has been thoroughly discussed in the press three or four years ago, and I believe in connection with the registry office; some of them are receiving too much and others again too little. That was shown I think conclusively.

The CHANCELLOR: Would you favor the grading of counties by which compensation to officers should be based on the population? A. I do not know as to that; I think that the officer in any county should receive fair remuneration for the work done and for the ability that he has to be possessed of. I would favor his receiving the fees and accounting for all over a certain sum, with a percentage to him for the excess. That would give him some pay corresponding to the excess of work he might have over any other county. My ideas in this respect are the same as Mr. White's.

The CHANCELLOR: Then about the assistants, deputies and so on in the office, how would you arrange that? Leave it to the heads of the offices? A. I think that should be left to the head; he is responsible for the office. I think he should have the appointing of his own assistants; at the same time, I am strongly of the opinion they should receive fair wages for the work they do.

The CHANCELLOR; That might be managed by the inspector of offices going around and seeing what disbursements were made? A. Oh yes; it might be a mere matter of detail. Each office might be governed by its own circumstances.

The CHANCELLOR: Have you any opinion as to the appointment of license inspectors? A. I think they should remain as they are. I thought it was a good thing when the appointment of the license commissioners was out of the hands of the municipalities; the law is better enforced.

The CHANCELLOR: Then as to Division Court clerks and bailiffs, have you any trouble about them? A. I believe not. I think the work in those cases has been done very efficiently. I am not very well acquainted with the duties of county clerk and county attorney, so I do not wish to speak of them.

I wish to state that I do not believe there is any great deal of public feeling in regard to this matter, as has been stated; I do not believe that such is the case I believe that any agitation that has arisen in connection with these matters, is due to having been brought over from the neighboring republic, by the paid organizers of a certain association. The people in this country are entirely ignorant of the elective system, they are also ignorant as to what state of things might prevail if the county councils were to appoint these officials, and if the people of this province only knew the state of affairs on the other side, how unsatisfactory it is and the amount of corruption that prevails there, they never would for one moment listen to anything of the kind. That is my opinion. I feel strongly on this matter. I would continue to hold the Government responsible for these officers.

The CHANCELLOR: The strong argument urged so far is that the county councils show their good judgment and discretion in choosing their own officers, such as the county clerk and treasurer. They get good men they say, and get good services at a reasonable rate of compensation, and judging from that, they think they are as good judges of who should be a sheriff as the Government. A. But the county clerk and treasurer do not devote their whole time to the work and it is not necessary. The salaries in most cases are small, and there is very little

object in anyone seeking the office; but when it comes to be a matter from $1,500 to $3,000 or $4,000 a year, it is a another matter, and I have no doubt that although in this country we are tolerably honest, you would find there would be a great deal of corruption cropping up when these offices would have to be filled.

Mr. HOBSON: The county treasurer has to devote his whole time to it in the ordinary county. Is there not something in this too? In the county council they have a thorough and intimate knowledge of the duties required of a county treasurer and clerk, and they might not be so conversant with the duties pertaining to the other offices and might not choose so judiciously? A. Certainly, there is a great deal in that.

Mr. MASON: I am told the county treasurer gets a salary of $800 and gives bonds for $3,000 or $4,000. A. I believe with the present mode of appointment, you have an office filled far more efficently than by any other way. As long as you have an opposition in the Government, if there is anything goes wrong, the country's attention is called to it at once.

Mr. HOBSON: The council is changing constantly, and a Government remains in. Do you place any importance on that? A. These people are being elected every year, and the council of this year is not responsible for last year's council, but the Government is always responsible. In connection with that, I saw that some of the witnesses that you have already examined, suggested that these appointments should be made by the warden, by the mayor and by the attorney-general. Well, I would not agree with that for a moment. The warden is responsible to no one. He is merely there for one year's time, also the mayor is in for one or two years, and they would not be responsible to anyone for the appointments they made. In every county there are two or more mayors. Which one of them should it be, and why a mayor any more than a township reeve? I am quite sure it would prove to be the most deplorable thing that ever happened this province, should our people be so foolish as to adopt the system in vogue in the neighboring Republic.

In my opinion, an enquiry in the United States as to the true working of their petty Justices' Courts and District Courts, the work performed by their registrars, sheriffs, and county attorneys, and as far as possible the whole remuneration these officers receive therefrom from all sources, should be part of the labors of the commission.

DAVID HUGHES CHARLES, Woodstock, Ont., appeared before the Commissioners, and answered as follows:

I am manager of the Bank of Commerce here. I have never been in any municipal office; having been in banking all my life; farming now. I have a farm about a mile and a half from the town.

As to the mode of filling these offices, I think that should be done by the Government as at present. I have not had an opportunity of comparing our system with the American except by reading. From my observations I do not think the best men would be appointed if they were elected by the people, the most popular men would get in. And my idea as to appointment by county councils is that as a rule they are too narrow in their views, looking towards the January elections. There was one instance of it here. They have got a superintendent of the refuge farm, to superintend the farming, and he was paid $100 a year, I believe. Well, another man who thought $100 was a good deal of money, offered to do the work for $50 a year and the first man had to

come down. That is a small figure, and I do not think that is a good sign of what would be done by county councils.

And in reference to paying these officers, my own opinion is, that I would like to see a salary system all over, based upon the work, upon the amount of work and the responsibility and the position, the location and everything else combined. I have not considered the question of how much to pay them. I think outside of the cities none of them get too much now. Some of them I think do not get enough.

The CHANCELLOR: Q. You are speaking from what standard. The standard of bank payments, or company payments, when you say that they do not get enough? A. Well the position which they are expected to occupy, a respectable office, such as the sheriff or the registrar. I do not think in this town the sheriff is overly well paid. When the office was vacant, I was astonished at the number of people wanting it, considering the small salary. I understood that under the late sheriff, it had not averaged $1,500 a year.

The CHANCELLOR: Q. Comparing the amounts received by the registrar and sheriff and so on, how do they compare with the salaries paid in the banks to responsible officers? A. Well, I know I would not like to work for $1,500 a year. The responsibility of our office is much more than the other offices I think.

Mr. HOBSON: Q. But there is this difference, you are only responsible for your own mistakes, not for your clerks and accountants and so on, whereas a sheriff or registrar is responsible personally for any mistakes, and made liable to recoup it? A. According to the rule of our bank, the manager is responsible for everything that goes on in his office.

Mr. HOBSON: Q You would have to make good any mistake? A. Oh no, I do not know about that. Of course a good many of us could not make good anything. The clerks all give bonds, but I am referring to seeing that routine work of the office is carried out. If it was negligently carried out, the manager is responsible.

Mr. HOBSON: Q. The registrar and sheriff are responsible for any mistake which may be made by any of their assistants; responsible in their pockets, neglecting to issue a writ in time, and all that sort of thing. With regard to their responsibility, they would be about as great as in a bank, personal responsibility, I mean? A. Well, of course I suppose the only difference between a bank manager and a sheriff is that the bank manager is liable to be kicked out, so to speak; that is the only thing.

The CHANCELLOR: But you can refer to the head office for instructions in a difficult position, but a sheriff cannot; he has to act on his own judgment. Both of course has its risks. Why would you favor a change by putting all salaries? What advantage do you think that would be? A. Well I, think that it would even the matter up all over the country better. My idea would be simply that all fees collected should go to the Government, and the salaries then be paid out. Some men would not earn their salaries. I would have a common fund out of which they would all be paid.

Mr. ROBINSON: That opinion we have heard before, and the gentleman who said it stated that it would tend to do away with the agitation that the farmers generally and the public exaggerate the high salaries paid to these men and they did not understand the way the percentages were allotted, it was a mystery to

them, whereas if they were paid by salaries they could understand it? A. Yes; and sometimes they think the office is worth three times as much as it is paid by fees.

Mr. HOBSON: Do you think the office would be as well served; would not they be a little more likely to close their doors sharp to the minute, and when anything was brought to the sheriff after hours if he had no personal interest in seeing it was attended to, would he not be likley to let it stand? A. It depends simply on the man a good deal.

Mr. HOBSON: But taking human nature as we find it, if they had a money interest in seeing certain work done, would they not be more likely to do it? A. Well, I do not know. For instance, take it simply amongst ourselves as bank men. We close the bank doors at one o'clock on Saturdays, three o'clock on other days. I find in my office I will accomodate any fellow that will come around after hours. I find the other offices do the same, if it is an urgent case. Some people will be late always, and you cannot always accommodate them, but a man likes to see business, if he is the proper man in the office, he likes to see business done properly in the office. That depends a great deal upon the man, and therefore I have my own ideas about the appointment of men I would like to see a sort of provincial civil service, and the offices filled chiefly for the fitness of the man, not for other reasons. The offices are well filled here, no complaints, but they are not always so. And then again I think the office should not be held open for a good while.

The CHANCELLOR: They can easily regulate that by putting a clause in the statute that an appointment shall be filled a month after it becomes vacant. A. There is no doubt about that.

ANDREW PATULLO, Woodstock, Ont., appeared before the Commissioners and answered as follows:

I have not been in a municipal office; I have been a newspaper man always in this county.

Respecting the salaries or appointments of these officers under discussion, I do not know that there is any grievance existing or general agitation.

The CHANCELLOR: Is there any agitation to have a change made in the system, or in the compensation or in the way these duties are performed? A. Of course there is in the country some agitation, but so far as I know it does not arise from any complaint about the way the offices are managed. Of course there is a party in the country that would like to change the system, I understand, by making it elective. But the agitation is not based upon any particular grievances so far as I know. I am strongly opposed to the elective system, which is advocated instead of the present system of government appointment.

In the first place, I approve of the present system because I regard these offices as really belonging to the executive and administrative functions of government. I regard what are called county officials as county officers chiefly in a sense of residence for local convenience. But the duties of such officers as the sheriff, county attorney, and others which are here classified, seem to me to belong rather to the administrative functions of government than to local or municipal affairs. They are state officers localized for local convenience.

The CHANCELLOR: Then what would be the result of the elective system as compared with the working of the present system? A. Well, I have been a good

deal during the last ten years through the States at different times, and from what I have seen and heard from public men there, I regard the results of the elective system as deplorable; and these deplorable results are necessarily incident to the system. This is admitted by a good many leading men in the United States connected with political life there. Last winter I spent a month in the South, where I had the opportunity of meeting many public men. Almost universally they admitted the evils of the elective system, and are endeavoring to get rid of them. They were of both parties. I have seen and heard the same in California. I regard the elective system as the greatest evil in the United States to-day in political affairs. This is admitted by many of its own people.

The CHANCELLOR: That is electing many of these officers from judges downwards. A. Yes.

The CHANCELLOR: Suppose the elective system were changed here to make the election for life or good behavior. It is claimed that would overcome all the evils incident to the American system by giving them a long tenure of office? A. Well, I do not think it would. I think the same evils, to some extent at least, perhaps not so great, making allowance for the difference in the people, which is not very great, I think the same evils would grow up here. In the next place, an elective system should carry with it responsibility, and a liability to answer for stewardship every few years. To elect a man for life would be a very absurd system.

Mr ROBINSON: Under their system their salaries are small, and they reckon to recoup themselves during the currency of their term? A. It entails upon them a great deal of expense in having to go through new elections and they naturally recoup themselves by prostituting their offices. Still, it is the best feature of a bad system.

The CHANCELLOR: Q. How about the municipal councils choosing these officers? A. I do not see what they have to do with them. It would be absurd to have any body appoint a public official unless such official were paid by that body. And then, the work of the official is necessarily overseen by the authority so appointing him.

The CHANCELLOR: Q. That is the claim which is made here, these are officers who are paid by residents of the county and therefore the county ought to appoint? A. I do not know how they can be paid by the county. Take the sheriff. The larger proportion of his fees comes from the outside, I think. The overwhelming proportion of the people do no business in the sheriff's office, or at the other offices.

The CHANCELLOR: Q. A very small proportion of the fees are paid by the county; about one-sixth of the income of the sheriff comes from the county treasurer? A. I had occasion to look that up a short time ago, and am aware that is so.

As to the manner of compensating these officers, I do not favor any radical change. There might be improvements. The system might be revised and improved as to details. I do not care to discuss such details.

The CHANCELLOR: Q. Generally, do you approve of the present system of the officers receiving so much and a percentage being paid over after that? A. I do, most certainly. It gives them an additional compensation for additional work. I think it is a good principle and ought to be applied logically to all the large offices.

The CHANCELLOR: Q. As to the amounts, do you favor a maximum as well as a minimum? There is a minimum now? A. Perhaps I would; only when you make a maximum amount, I am afraid you will take away any incentive to the official to collect the fees after he has reached that amount; and in that way, the municipalities, which are really getting a gift from the Government, would be apt to lose, just as well as the official.

The CHANCELLOR: Q. That is as to the registrar's office. That is the only revenue-producing office at present, where there is a surplus. All the rest would come short. Would it not be a good thing to reduce the fees in the registry office so as to have no surplus? A. Well, it might. But it seems to me the counties get the benefit of these fees. That is a matter for the counties.

Mr. ROBINSON: Q. There is one question raised as to whether they should get the benefit. The poor man pays more for registering a deed than he ought to, it is considered? A. Perhaps he does. I am not very familiar with the amount of the fees. I have not done much business at the offices.

JONATHAN ELLIS, Port Dover, Ont., appeared before the Commissioners and answered as follows:

I have lived for fourteen years in this county, and have held the office of reeve of Port Dover. I have been in the council there for a number of years. In regard to the appointment of officials, I approve of the present system of appointment by the Government. If they were elected by the people, it would not be on their merits, as politics now enter too largely into municipal affairs. I am decidedly of the opinion the appointment of the license commissioners should be kept as it is; I do not at all favor a return to the old system. I am not aware of any special complaints against the commissioners in this section of the province. I approve of the payment of officials by fees; fair salaries to be paid and surplus to go to the municipality. I do not think that any of the officers in the county of Norfolk are paid too much. I do not think any good would result from a change in the present system followed by the Government.

HENRY M. KITSON, Hamilton, Ont., appeared before the Commissioners and was interrogated as follows:

The CHANCELLOR: Would you give us your opinion upon this matter we are discussing about the appointment of these officers and their remuneration? A. I think that all these officers, including license inspectors, should be appointed by a board of commissioners.

Q. How ascertained or constituted? A. I think, for example, that the county judge should be on the board, and a representative from the municipality, either the mayor or reeve, as the case might be, and I think the provincial Government ought to have a representative too.

Q. That would be a board of three. A. Yes.

Q. To make the appointment of these officers? A. Yes.

Q. What is your object in making that suggestion? A. In the first place, I think the municipalities themselves, seeing that they practically pay the salaries, should have some voice in the selection of the people. The result is that people would be elected who were well known by them, and who would be qualified and well fitted for the position. I think, also, that the Government should be represented, because they have an interest in seeing that these officers do their

work properly, as part of the general system. Then, again, there is the objection that people are appointed sometimes, not by reason of their special qualification but by reason of their political leanings. I think that that system is pernicious.

Mr. ROBINSON: Or on the right side of politics? A. As the case may be.

The CHANCELLOR: That would be really a constitutional change, taking away from the Government, who are supposed to govern the country, the appointment of officials who administer public affairs. That would be changing really the whole system of Government by the party, as we have it now, and would put it on the system of a large business establishment rather? A. Yes; I think the Government should be representated on the board, as a sort of safeguard.

Q. That representative would just have a voice, not a controlling voice, according to your views? A. That is it.

Q. Then the Government of the day would not be responsible for any bad appointments that might be made; the responsibility would be put on the board of commissioners? A. I think the Government should have a bureau of inspection, charged with the duty of seeing that the work was properly done and that the Government might have the right to dismiss the appointee, if he did not discharge his work properly.

Q. In that way you are hopeful that the whole thing would be taken out of the range of politics? A. I am.

Q. That is the principle that is influencing you I suppose in making this suggestion? A. Not only that, but I believe better men would be selected. I believe that the best men available for any office, no matter what their politics may be, should be appointed.

Q. Do you think in that way you would have better men than you have now? A. Simply because you would have more men to choose from.

Mr. HOBSON: Speaking from your own knowledge in a general way, do you think there is much complaint to be found with the appointments which are made by the Government? A. I certainly think that sometimes a good many people are appointed who are simply figure-heads.

Q. Registrars and sheriffs? A. Yes; who are just nominal sheriffs, and who are not appointed by reason of their special fitness for the work.

Q. Your answer applied to all these officers, I think you say? A. Yes; I was speaking of the question in a general way.

Q. Would you extend that to the Dominion Government as well, to all the officers acting under the Dominion, the post office and so on? A. I certainly would.

Q. All appointees for public positions? A. Yes; I believe the very best men available should be selected and that that should apply to everything, Dominion officers, as well as provincial officers.

Q. In brief, the whole patronage of the Government, as it exists at the present, both Dominion and provincial, you would put into the hands of a board of commissioners? A. I would.

Q. You would apply that principle also to city governments, taking it out of the hands of the aldermen and council? Indeed in the United States, many are of the opinion that large cities would be better ruled by a board of commissioners than by aldermen. A. There is this distinction, that in the cities the municipalities are practically paying those men and not the Government.

Q. It is not the municipality that pays, it is the people who ask their services? A. The people, who really, in the municipality, employ their services.

Mr. ROBINSON: But the great body of people as to a registry office, have nothing to do with it.

The CHANCELLOR: It is only the freeholders who have anything to do with the registry office. It is paid by the people living in the municipality.

The CHANCELLOR: They may live inside? A. Of course in come cases they would live outside.

Q. Then, as to the manner of payment? A. I think that the fee system is a fair one, so far as it goes. I think a provision should be made in small offices that there should be a minimum sum, so that there ought to be a living salary. I believe the system which now obtains, that where the fees reach a certain sum, or go byond a certain sum, a percentage goes to the Government, is a good one.

Q. Would that observation apply to Division Court clerks and bailiffs for instance, in the county places, where they do not get perhaps $50 or $100 a year out of the fees? Would you put them on salaries? Their time is not all taken up. They attend to other employments. You speak of a case where a man's whole time is given? A. He has to devote his whole time to special work. In the case of Division Courts, a great many of them run stores and post offices. I think the fee system is all right.

Q. You approve of the present system as to the payment of fees, for remuneration? A. I do.

Q. Have you considered any sum that the officials should get? A. Their duties vary so much, and the men require to have technical knowledge. Some of these offices require to be filled by specially skilled men.

Q. I was speaking of a case of a sheriff, for instance, you have a general idea of what his duties are, and what is expected of him. What would you say in a city like this a sheriff should have? A. He has certainly a good deal of responsibility. I think that he should be well paid. Unless they are well paid, you would not get good men to fill the offices. They would make improper seizures. I think in a place like Hamilton a sum from $2,000 to $2,400 a year would be very reasonable..

Q. And the registrar, what would you pay him as well as the sheriff? A. It is pretty hard to say. It depends very much upon the locality. Some places have so much more business than others. The sheriff in a city has not to go outside the city. Sometimes the office of the county and city are united, as in the case of Hamilton. I think the salaries ought to be pretty much on a level.

Q. Then do you know anything of the duties of the other officers? A. Local Masters, I think they are paid by fees. I think the same principle applies, up to a certain point. I think they should appropriate the fees up to a certain point and beyond that, if the sum is excessive, that a certain portion should revert to the municipality.

Q. As to license commissioners? A. Yes; I think the appointment of them should be placed out of the hands of the Government. It gives rise to a great deal of friction and whether it be true or not, a feeling prevails that the appointments are made, not on business principles, but simply from political motives.

Q. Would you favor the county judge, and police magistrate and some provincial officer or Government officer, making the nominations? A Yes; either the mayor, or perhaps the mayor would not be as satisfactory as the police magistrate, because he might be running for a second term. He might be accessible to some influence that would not be right, but I think that the county judge and police magistrate; and I think that all these officers should be arranged by the same board of commissioners.

Q. Then you would relieve the Government of all responsibility as to the fidelity and efficiency of any of these officers? A. Oh, no; the Government are not responsible. The officials are responsible to the Government, but the Government should have an inspector.

Q. Would there not be a clashing of authority between the two gentlemen, and the man acting for the Government? Who would appoint the inspector? A. I think the work would have to be done to the satisfaction of the Government. There must be some central power.

The CHANCELLOR: This board of commissioners would be a very highly paid body according to your idea. They would control, in fact, the whole civil service of the country, by their appointments. It would occupy all their time, I suppose, and be an exceedingly responsible office? A. No, I should say not; because these will continue in office until they became superannuated, and they might not have to act at all for a year or two.

Q. How could they possibly find out the qualifications of the men unless they were on the alert all the time? They would have to cover the whole province? A. Oh, no; I mean one board for each county. Of course there is the police magistrate in the county, and the judge in the county, and the reeve, as the case might be, and the appointee of the Government in each county.

Q. You would have very much the same result in that way as they have in the States. You would have no uniform system throughout the whole country. Each county would have its own idea of service and payment. There would be a variety of administrations in every county, unless you had some uniform method of uniting the whole. You now have the Government uniting the country into one uniform system of administration? A. I submit the Government should fix the minimum salary, should fix the scale of fees, and the scale of remuneration, do everything, except choose the persons. It is not responsible government when the appointments are not made by the people. I do not believe in the elective system at all.

The CHANCELLOR: They have very much the same system in the colony of Australia, where all the public officials are in effect appointed by a board, which is constituted. It is an examining board, and it is on their recommendation the Government appoint, and they cannot appoint outside of their recommendation.

Mr. HOBSON: Is it not a fact that these officers you speak of might not be quite unfit to make the proper selection? A. Well, a man who is appointed county judge must be an educated man, a man well accustomed to weigh facts, and he has no politics. Then, there would be the appointee of the Government.

Then there is the police magistrate, a man who is usually selected because of special training. If they are not able to tell, who, in a municipality is fit for an office; I do not know who is.

Mr. ROBINSON: Then, there would be nobody to hold them to account, if they made an unfortunate appointment? A. Then, that would be overcome by having a Government inspector.

The CHANCELLOR: Judges, in many instances, though good judges, have very little knowledge of the world. They might make good appointments to court offices, but there might be some difficulty in their making good appointments as sheriffs or registrars or Division Court clerks and bailiffs.

Mr. HOBSON: There being so many parties to appoint, their ideas as to the necessary qualifications, or the fitness or the standard, might vary very much? A. No; as I explained before, each municipality would have its own board of commissioners, as they have now. Each municipality has its own board of license commissioners. That board would have a local knowledge of the county's needs. They know the best men available. It is possible that better might be selected on this board than those I have mentioned. I think they are less influenced than other people are, because their offices are not elective offices, they are not working for the future. Their positions are secured, and I think the result would be that the men appointed, would be appointed on their merits.

Q. In your opinion, it would be worth trying them? A. I think so. I think, as far as possible, politics ought to have nothing to do with these appointments. For instance, sometimes, in the Dominion Government, you see people appointed; one case in Lower Canada, a man was appointed collector of customs, who had no business knowledge at all. I believe in Great Britain that system does not apply at all.

The CHANCELLOR: They have an examination system chiefly. All candidates have to submit to examination, and have a certain test of education, and so on. A. I think the great idea is to have men to fill these offices who are well qualified and able to do their duty thoroughly to the satisfaction of the public.

Mr. HOBSON: Speaking of the income you would give to the sheriff, some $2,000, or in that neighborhood, would you then relieve the sheriff from any responsibility for anything that happened in his office? A. No; certainly not. He would be directly accountable to the Government, and he certainly should have the selection of his subordinate officers. If the officers made a mistake, he could remove them and get others.

Q. And in the meantime you would make him suffer the loss for the negligence of his deputy? A. That could be overcome. He could make his deputy give him bonds, as they do in ordinary corporations and companies.

Q. Sheriffs have had to suffer losses from no negligence of their own. The sheriff of the county of York had to submit to a very serious loss of more than half his salary the other day. The court gave it in his favor in one instance, and against him in another. He was acting under the advice of a solicitor. A. If the sheriff had been a man who was well qualified for the office, he would probably have known he was acting beyond the law. Somebody has to bear the loss. It is either the public, or the sheriff, or the other man, and, I think under the circumstances, the sheriff is the man who can best pay it, because he gets his salary, and has to take the risks.

Mr. MASON: Should not that responsibility be taken into account in arriving at the salary? A. Certainly.

The CHANCELLOR: Or have a fund out of the surplus fees out of which to indemnify such cases? A. Yes.

Q. But, as a rule, the sheriff is not safe in acting unless on the advice of a solicitor? A. That may be.

Mr. ROBINSON: Have you any knowledge of the practice in the States? A. No; except the knowledge I have from the papers. The elective system gives great dissatisfaction. There is a constant change of officials, and you have got no experienced men doing the work. I believe in continuing in office a good man, no matter what his politics are. The idea prevails on the other side that there is a good deal of corruption. These people get into office for two or three years, and they have to make hay while the sun shines.

JOHN NICHOLSON, Flamboro' Centre, appeared before the Commissioners and was interrogated as follows:

The CHANCELLOR: Q. Have you been in the council at all? A. Yes, sir; I am in the council now. I have been there for ten years. I live in North Wentworth. I have had a list of questions you are considering, but I have not had time to give them very great consideration.

Q. Have you any opinion about the manner of appointing any or all of the officers, or do you suggest any change? A. I may say I have an opinion as to how I think the appointment should be made. I have held the opinion for some little time, that the people that pay the officers should appoint them; that they should be either appointed by the councils, or elected by the people. I can understand the difficulty that would arise in the council making the appointment in places that are connected for those purposes, the same as the county of Wentworth and the city of Hamilton. I can see the difficulty there would be in making the appointment, because the question would naturally arise, which council should have the appointment? In that case I think they ought to be elected by the vote of the people who are interested.

Mr. ROBINSON: Do you speak of sheriff and registrar? A. Yes, sir.

The CHANCELLOR: How long would you have them elected for? A. For life or for good conduct. I would not have them for a stated term of years.

Q. In the case of the sheriff, he is not paid by the county to any extent, only about one-sixth; the rest comes from the people who are engaged in litigation; and two-sixths from the Government. How would that affect your opinion? A. I would assume that the people in the district he is appointed for pay him, either by fees, or in some other way. I am not thoroughly acquainted with the mode of payment, but I assume that those who live in the district pay him in some way or other. Of course in giving my opinion, I am giving my personal opinion, I am not representing any person else but myself. I am of the opinion that the proper way of paying them would be by fees.

Q. As at present? A, Yes, by fees; not by a tax on the whole people. Those who use the service should pay for it. I do not think it should be a tax over the whole of the people. Of course we all know that the sheriff is largely paid by those who try to avade the law, and I do not think it would be fair to

tax honest people, or those willing to pay their debts, for those who do not. He should be largely paid in the way he is now.

Q. You have spoken of registrars and sheriffs as being properly elected or appointed by council. What about the other officers, the clerk of the court, and other officers? A. I am of the opinion, if it is practicable at all, to have them all appointed in the same way. Some of these officers I do not pretend to know anything about, as respects their duties, such as the local master.

Mr. MASON: Mr. O'Reilly is the local master? A. I am not at all familiar with his duties. I would certainly think it would require a legal gentleman to fill his office.

Q. But clerks of the court, who are not required to be lawyers, you would favor the election of them by the people? A. I think so, if it is at all practicable. I would favor the election or appointment of the whole of them, either by the people of the district, or by the councils. I am opposed to the government appointment to those positions.

Q. We have not settled quite whether you would have the people elect, or the council elect? A. Where practicable, I would have the council make the appointment. Where only one council has to deal with the matter, I would make the appointment by the council. The reason I have come to that conclusion largely is because of the way our county officers are appointed, and the general satisfaction they give now. I refer to the public school inspector, our county clerk, and county treasurer. I look upon them as efficient men, and it is largely removed from party politics.

Q. If you increase the appointments that the councils were to make, would it not bring the element of politics into the council just as much as obtained in government appointments? A. I do not think so. Of course we know that party politics enter, to a certain extent, into municipal councils, but, it happens, in this peculiar case in our own county, when the appointments were made that I speak of, that there was a majority, or a political complexion, in one way largely Conservative, and they made an appointment of what you might call a Reformer. It was the same way when the other appointments were made. No person, for the sake of politics, attempted to raise the question of efficiency of those men now that they are appointed. The members of the county council have to come before the people, and they all deny the presence of party politics. They will not there admit that there is any party politics in the council.

Mr. MASON: Q. And yet the election of warden here has nearly always turned on that, has it not? A. It has, in the election of warden in the county.

Q. And has for a great many years? A. Yes; and while it is generally looked upon as a question of politics, after the appointment is made I think they drop it. I do not see the effect of it afterwards.

The CHANCELLOR: Q. Division Court clerks and bailiffs, would you have them appointed by the council too? A. Yes; I would have them appointed by these officers.

Q. Do you think you would get better men than you have now? A. I do not know that I would go as far as to say we would have better men, but I think we could have them cheaper.

Q. The benefit resulting from the change would be a cheapness of service? A. Yes, and just as efficient. In the first place, I would oppose the appointment

being made for any reason because of cheapness. I think that is a bad principle. I think all the officers should be well paid for their services. I think it is a mistake to reduce the salary to such a point that a good, efficient man would not accept it. I think it is a mistake to make any appointment because it is cheap. But I have known both parties to make appointments that I thought were made because of the influence it would bring the party. I sometimes think that enters largely into the minds of the politicians when they make the appointments. They consider the question, sometimes rather from the standpoint of what influence the appointment can bring to strengthen the party rather than the efficient service.

Q. What salary do you think should be given to the officers, of what compensation, if by fees? A. It would depend largely on the amount of work. I am of the opinion that $1,500 a year would be sufficient for any of the officers named in this list, sheriffs included. I mean beyond expenses.

Mr. ROBINSON: Q. Would you free the sheriff from all responsibility for the discharge of his duties, or his bailiff? A. No, sir; I would not decrease the responsibility at all, I think that would be a mistake.

Q. That might eat up all his salary? A. I mean to say not.

The CHANCELLOR: Q. In Toronto the other day, one of the sheriffs had to pay $2,000? A. Then that man had no business being in the position. He was not fit for the office in my opinion.

Q. Took no steps without being advised by his lawyers; he had the decision of three courts in his favor, and the last court upset him. He did all he could do? A. That is a hardship. There ought to be some remedy for that. A man, under such circumstances, should not be liable. I think those who advised him to take a certain course should be responsible.

Mr. MASON: Q. Do you not think the responsibility should be worth something in addition to the actual work? A. I certainly do. I would be guided, if I had the say in those matters, to a certain extent, in respect to the responsibility. I think where a man has increased responsibility, he should have increased pay. I do not think that a man should have the same remuneration for his services with no responsibility, as if a man were liable. I certainly do not think that would be right.

The CHANCELLOR: Q. Then your idea is that the fees should be received just the same as now for the services, but the officers should not take more than to a certain amount, say $1,500? A. I would have the fees funded, and over and above a fair remuneration or salary for services should be returned to the municipality.

Q. The officer being a collector of fees? A. And they would be funded.

Q. And out of the proceeds you would pay so much for his salary? A Yes, sir; I would pay a stated salary, and have the fees funded. His salary would be directly paid by those who employed or used his services.

Q. You do not favor the sliding scale, the officers keeping so much as a percentage upon collections above a certain amount? A. I do not know that I am familiar with the present system, as to how they are paid, and I do not know that I could speak upon it.

Q. You would favor a fixed sum for all these officers? A. I would in proportion to the amount of the service rendered. Take the sheriff for instance,

or the registrar or any of those officers; we know that in some districts they have a great deal more work than in others. I would not be in favor of making a uniform salary for each county. I would leave that largely with those who made the appointment.

Q. You would have the county fix the salary? A. Yes.

Q. And then have the whole office managed by the county, the appointment and the dismissal, and the receipt of the fees, and the amount paid out for the expenses of the office, all managed by the county? A. Yes; but I would have the Government make the appointment of an inspector. I would have government inspection. I suppose that is done now. I think the Government should make the appointment of the inspector, who would examine the work from time to time, and compel them to report to the Government.

Q. Where would you have the power of dismissal, if the work was not being done, or the officers not efficient? A. The council should be largely governed by the report of the inspector. Of course where they found a man was a defaulter to the municipality, or inefficient, or any charge laid against him, have it laid before a proper tribunal, and let it be fairly investigated, and if, after it being found that he did not do his duty, it would be prompt dismissal, in my opinion.

Q. You mean to have it investigated before some court? A. Of course it would depend upon the nature of the charge. In some cases it would have to go before the court, but in case of the officer neglecting to do his duty, whereby probably there would not be a serious loss with any one person that would make it worth his while to bring him before the proper court, there might be many other ways in which a charge of that kind could be laid, and I would have some form, some commission to enquire into these charges, and report on them. I think the Government inspector would be the person to investigate into these charges.

The CHANCELLOR: Q. Of course the Government now appoints, and if the man is not filling his office satisfactorily, they dismiss. You would not have such a simple process as that? A. Of course, on evidence being produced that the man had not done his duty, I would certainly have it arranged so that he would be promptly dismissed, the same as at present; but the reason why I favor this mode of appointment is because a man that receives an appointment now from the Government is, to a large extent, under the control of that Government, and they can dismiss him without cause, when they see fit. For instance, if a man appointed by either Provincial or Dominion Government should see fit to exercise his franchise in opposition to the Government, they can dismiss him if they see fit. I do not wish to say I know of any cases where it has been done, but they have it in their hands. They could easily ask that man to vacate the office, and he would have to do so.

Mr. ROBINSON: Q. The county council would likely do the same thing? A Yes; but you see the county council is responsible directly to the people, and there is not any person, in my opinion, as closely watched as a municipal councillor. Every single act he does is criticized, and every single thing he does he is directly responsible to the people for, more so than the Government.

Q. The Government has its share of criticism? A. Yes; but it does not come direct to them. For instance, the Government of the day can make an appointment in this county in direct opposition to the representatives of this

county, if the man who is representing this city or county should be in opposition to the Government. The Government of the day makes the appointment over his head.

Q. That is responsible government? A. That is all right, but that is where I think the iniquity of this system comes in. A man that might be the defeated candidate would be the man that would make the recommendation. I have known instances where that has been done. How are you going to get at the people? The people may select the man over and over again, but they have no power if he happens to be in opposition to the Government. The people of the locality are powerless.

The CHANCELLOR: Q. That is the difficulty in the particular county, but the Government of the day represents the opinion of the whole country, and when they appoint a man in the county on the recommendation of a defeated candidate they still appoint, the Government representing the whole country. The question comes to this, whether this is a matter of such local concern that the local authorities ought to control, or whether it is a question of general government, which the Government should control. Many people think that the administration of justice, which is in the hands of the Government, should be uniform throughout. For instance, you might have a liquor law which in one county was not regarded as a proper law and was violated. If the officer is elected by the people of that county he would not enforce the liquor law against popular opinion; but, if it is a general law, applicable equally to the whole country, and to be equally enforced over the whole country, Government officers would have to enforce it throughout the country generally? A. Under the Government appointments to-day it is possible for the sheriff of this county to do his duty, and it is possible in another county, for the sake of political preferences, to relieve his political friends or not enforce the law as strictly as to them. That is possible.

Mr. ROBINSON: Q. He is subject to inspection? A. Yes; but we know in the case of our license inspector here. We sometimes have an inspector in our county who will do his duty, and sometimes we have one who has particular friends, and they can do very much as they like. But if one who is opposed to them in politics evades the law, he is pulled right straight. If he happens to be a particular favorite of his, or a supporter of his in politics, why, we have seen cases where there would be a strong suspicion that they were let go. Some of these things have been brought immediately under my notice.

The CHANCELLOR: Q. These cases are open to the police. Any constable can bring a man up who breaks the law in selling liquor? A. In the country districts there are no police. It is the country district I refer to.

Mr. MASON: Q. Do you not think that you look upon these officers, such as sheriffs and officers who have to do with the administration of justice, more as local officers than as part of the general system that they ought to be? In other words, do you not attach too much importance to their being what you call local officers? A. Well, I may in your opinion. There may be something in that that I have not thought of.

Q. For instance, the sheriff is not, in the ordinary sense, a local officer like a county treasurer or a county clerk; he is connected with the general system of administration throughout the whole province? A. I am aware of that.

Q. And therefore is not localized to the extent that a county treasurer or a county clerk would be? A. No; but at the same time, I do not see why a local appointment would interfere with his being a part of the general service of the whole province. I think he would be as likely to be efficient.

Q. Do you think that forty odd sheriffs elected by forty odd councils, would be likely to turn out better than forty elected by one central power, and that central power responsible? A. Well, I do not know that I would go as far as to say they would be more efficient, but I see no reason why they would not be just as much so. I see no reason why we would not have the very same men we have now, largely. I see no reason why there would not be as capable men appointed under the local system as by government appointment. I cannot come to any other conclusion than that. I would have the Government make the regulations that govern those men just the same as now, that is, as to their duties.

Q. Do you not think difficulties would arise as between government inspection and local appointment? A. No necessarily so, in my opinion.

Q. About divided powers? A. I do not think so. Of course, there may be occasional instances where there might be a little friction.

Q. Would it not be natural for a county council, for instance, to incline towards their own appointee as against an inspector of the Government? A. Well, I would not think so. My experience with county councils leads me to this conclusion, that they are quite loyal to the Government, and do not wish to interfere with the actions of the Government; and, when the Government passes a measure, where it is necessary for the county council to act on, I have found them always willing and anxious to be guided by the dictates of the Government. I have never seen an instance where any of the members of the county council refused to comply with any restrictions, or even the township council where there was any Act came out in respect to any matter. Where it was necessary for the council to take action to help carry out a law, I have never seen an instance where they have declined or refused to do so. My experience is that those men in the local municipalities deserve a good deal of credit for their willingness to conform at all times to anything which has been done. I have been connected with upwards of one hundred different men in the township and county councils in my time, and I have never yet met one man that was disposed to kick, as it were, against anything that was being put on them.

Q. Do you not think there would be an agitation at once, if the councils had the appointment of these men, to have short terms of office, so that offices might go round, and everyone have a chance? A. It might come to that, but not probable.

Mr. Robinson: Q. It would depend on the income or salary attached to the office? A. Yes, sir. That might have something to do with it, but for my part I would be opposed to having short term offices. I think the longer a man is in an office like that the more capable he should be. The district he is representing or working for would certainly have the benefit of his experience. I would certainly object to short term offices. I think as long as a man's age does not affect him, or a charge of some kind made, he should be kept in office. I think it is a mistake to change men too often. I think the term for municipal offices is altogether too short. There is too much wrangling and jangling. Once a year is too frequent to elect officers. It ought to be at least three or four years.

Mr. MASON: Q. Do you not think the fewer elections you have the better? A. Yes sir, I do. Just in that respect, at the time you have a municipal election, I think those officers, if they were elected by the vote of the whole people, in the case of a district, united for the administration of justice, could be elected at the time of a general election, or at the time of a municipal election, to save expense. I think there are too many elections, they come too frequently, in respect to these annual municipal officials being elected.

Q. The same principle would apply to the other officers? A. Yes.

Q. The fewer the better? A. Yes. I would have the appointments made for life, or good conduct.

Q. In any case? A. I mean in respect of these.

Q. Whether by the people, or the council, or the Government? A. Yes. That would largely remove the possibility of politics creeping up.

Q. You do not approve of the American system? A. No sir. I am not in favor of that at all.

The CHANCELLOR: Q. Take a county containing forty thousand, fifty thousand, or sixty thousand people—forty thousand is the average in Ontario—how would you go to work with such a large body of voters to work the election of a registrar or sheriff? There are forty thousand people in the county, and a proportionate number of voters. How would that large body of people know the qualifications of a man? A. I presume that there would be different aspirants for the office, the same as there are now for representatives, and they would be just as competent. I cannot come to any other conclusion, but that those people would be as competent to express an opinion as to the efficiency of a man that might be appointed as they would be to elect the representative. I think they would vote as intelligently on that question as for representatives.

Q. Then the elections would be on the same lines as parliamentary elections? A. Yes; but not every four years.

Q. But when they did occur, would not the machinery, the machinery of parliamentary elections, be at once made use of in such cases? A. They could have the machinery of the municipalities.

Q. But those are only for townships, they are not elections for counties. The county has to vote on a sheriff, for instance, it is not each township returning its own officer. The township has a limited number of voters. A. Take, for instance, a group of municipalities, each municipality would take the necessary means to provide for the polling booths, and returning officers, the same as they do now in the municipal elections. For instance, take our own county, that I am more familiar with than any other in the province. The city of Hamilton here, has a city council; when the appointment is to be made, the city council could make the arrangement for polling the vote in the district, and each township in their district, and have a returning officer appointed, if you like, by the Government, to sum up the total votes. I think probably the county judge of that district would be a good man, some officer such as that. While I speak of those officials, I am opposed to having the judges of the county appointed by election. I should certainly oppose that. I would except the county judge in all these appointments. While I speak strongly in regard to provincial appointments, I feel just as strongly in regard to Dominion appointments, with the exception of the judges.

Q. Postmasters, and all others, custom house officers and so on; you would have them all elected by the county councils? A. It might be going too far to say postmasters in little rural districts.

Q. A Division Court bailiff is not a very important office? A. Probably it would be going to extremes to say Division Court bailiffs. Of course, out in the rural districts of this county some postmasters only get $20 a year; but where the salary was anywhere up to about $400 or over, I would certainly have the appointment made as I suggest. I think probably it would be going to extremes in some cases, while I do not know that there would be any great loss, if they were all elected.

Mr. ROBINSON: Q. Put them on one ticket? A. I do not know that there would be any great loss, but still I am not positive when you come to these small little offices, such as Division Court bailiffs, in certain districts, where the fees do not amount to much. I think you could safely trust the appointment in those cases to the county judge, or even to the sheriff that might be elected. I think something could be done in that way to make it efficient. Take, for instance, the salary of these small officers, the same as Division Court bailiffs, and Division Court clerks in some places, I think we might safely entrust that to either the county judge or the sheriff or local master. If the office is worth a certain amount, I would have the officer elected, and I think that could be easily fixed.

Q. Then you would relieve the Government of all responsibility as to the efficiency or accuracy of any of these public officers? A. No, sir; I would have a Government inspector from time to time, and compel these people to report on the nature of their work, and so on, from time to time, to report fully on their work, and have that subject to the criticism of that inspector. I would not relieve the Government at all from that.

Q. That would hardly be fair to the Government, to take away the appointment, and then to make them the judge of the efficiency of a man appointed from another source? A. Well, the inspector could be appointed by the Government, and I think the inspectors would be willing, as all government officers are, to take the responsibility of considering these reports from the different officers. I do not think it is a question of being hard or fair to the Government. I think the Government would be quite willing to do it, if the opinion of the people went that way. I look upon it as a Government made by the people themselves. I think the Government of any country is quite willing to do what the majority of the people want, and there are plenty of men clamoring for the positions of administering public affairs, who would be willing to do it efficiently if the people wanted them to do it. I think it would be a question of the Government being anxious to carry out the will of the people.

The CHANCELLOR: Q. Would you favor a Government audit or inspection of municipal accounts? Having some expert? A. That is a question that would need a good deal of consideration, in my opinion. I am not satisfied with the present system of audit, while I do not know of any abuses of the system. I could not name any that have occurred, but having access to the accounts of our township for a number of years, and being perfectly satisfied with our auditors, I think that something ought to be done in the way of reform, to make it a little more rigid.

Q. A uniform system of keeping municipalities' accounts throughout the province? A. Yes. I think the appointments are in the proper hands now, but I think they should be expected to report. The auditors should report to some

central authority. There ought to be some more restraint on the audit of township accounts, than there is at the present time. I think there should be some supervision. I do not pretend to be thoroughly informed on the present system.

Q. But the auditors, generally, are not men of accounts, who have been trained? A. No.

Q. They are farmers, or merchants, or men who have no special knowledge of accounts? A. There ought to be a qualification for auditors. A man ought to have a certain qualification before he could be lawfully appointed an auditor. There is not very much paid. In our township, I think we give our auditors $8 each per year. It was $4 for a number of years, and from the responsibility and amount of work they had to do every year, I was one of those who moved to increase it to $8; I do not think it is any too much now.

Mr. Robinson: Q. Are they busy a fortnight? A. Oh, no. I should think it would take them at least two or three days, two days anyway, and, of course, we always make it a point to get men that are best qualified, in the way of education. We try to get men who have had some experience in financial matters and figures. We always select those that are most capable, where available; while the reeve has the appointment of one, it is possible for him to give the appointment to a man who does not know anything about it. I think there ought to be a qualification for appointment in that respect.

Q. The county council are the best judges of the man they appoint as auditor? A. But I was referring to the township accounts. I think the county auditors get $50 each. They have increased the responsibilities of the township auditors, since they have to audit the school accounts, as well as the township accounts. I think it would be well to have some qualification required of these officers.

The Chancellor: Q. You think that by the change in the method of appointment the salary that would be paid to these officers would be less than they now receive? A. Yes, sir; in a good many cases.

Mr. Robinson: Q. Depending, in your opinion, upon the business which they did? A. Yes.

Q. For instance, the sheriff or registrar of this county, would you think they should get more, for instance, than in other cities where the business was less? A. Certainly, I do.

Q. I did not understand you to put it at $1,500 all round? A. No. I think 1,500 would be a fair salary in any of these positions, net. There are some of them I would not give $500 to.

The Chancellor: $1,500 would be the maximum? A. Yes.

Mr. Robinson: Would you confine his attention altogether to his office? A. Yes, I think so. I think that that would be a fair amount as a maximum salary for any man. I am of opinion that that is enough for a man in any of these positions, who does not require any more qualifications than those men do. The reason that I come to that conclusion is, that in the commercial line we find they get men who do as much work, and have as much responsibility, for about the same salary. The reason I speak so strongly is just this. A man will be appointed to one of these positions, and we will meet him out driving, shooting, fishing, and that kind of thing, when we are obliged to work, who are helping to pay him, and some man at a mere pittance is doing the whole of the work. I

think that is a bad system. I think the man who does the work should have the pay. I know that some of these men who get these government appointments, are gentlemen for the rest of their lives, and the deputy does the work for a mere pittance. I think the man who takes the appointment should be capable and willing to do the work.

Q. Would you take the appointment of the deputy out of his hands? A. No. If you make an appointment, and it is necessary to have a deputy, I think the man should have some say in who the deputy should be, but I would not have an allowance for that deputy unless it actually took the time of two men to do it I would not have the deputy do the work, and let the man who has the appointment do nothing. If he wanted to hire a deputy, why let him pay him and do without his own salary. In other words, take for instance the registrar of this county. We know that for a long time previous to the death of the sheriff of this county, the old gentleman was hardly capable of doing his work. With all due respect to the late sheriff, I think he was an efficient man. There is no question about that. He was a particular friend of mine. But, for the last few years, he did practically nothing at all in his office. It was left to the deputy or his assistant and I do not suppose that he gave the assistant probably any more than about one-third or one-quarter or may be one-half of what he got. What he got over and above what he paid the deputy he did not earn, in my opinion. He should not have had it. If it was only worth so much to do the work, why should he have two or three times that amount?

Q. That might be an exceptional thing? A. I think he was very efficient when a younger man.

The CHANCELLOR: Have you anything to say about license commissioners, whether a change should be made in their appointment? A. I do not know what the salary is.

Q. There is no salary. It is an honorary office. A. Oh, I thought you meant the inspectors.

Q. No; the commissioners, who pass upon the qualifications of those who seek licenses. A. I think as to this question of appointment, the inspector should be appointed by the whole district, and each municipality elect one commissioner.

Q. What do you mean by the whole district? A. The district of the north riding of Wentworth. I think they should elect one inspector. We find the north riding and south riding of Wentworth each have an inspector. Let each district elect their man, if it is necessary to have two. If you find out one could do the whole work, I would prefer it, that each township council could be fairly entrusted to appoint the commissioners for its own municipality. I believe we have five in the north riding. There are three townships in our riding in addition to the town of Dundas and the village of Waterdown. I think if they were appointed by the people, that even if the riding was larger, it would not be any additional expense to appoint one from each municipality, directly by the people, the same as they appoint their township officers, such as clerk, treasurer, assessor, etc.

Mr. ROBINSON: Has there been any agitation by the temperance society to change the manner of appointment? A. I am not connected with the temperance society, although I am in favor of anything that can be done to promote temperance.

The CHANCELLOR: Has there been any agitation as to the present system of government appointment? A. I find that there is a good deal of that.

Q. What is the nature of the objection? A. Those that vote right are favored. I mean the hotel-keepers. I know some men that are not at all living up to the law, and nobody seems to think it worth their while to interfere, and because they have a good deal of influence, politically, they are let alone. I think the way the license law is administered in some of the outlying districts of the county is an outrage.

Mr. ROBINSON: Do you think that would be remedied greatly by the vote of the people? A. Yes, sir. As an evidence of that, we see the vote of the rural district on the plebiscite question. You find a large majority of the people who are not temperance people, voting for something like that, because of the manner in which the license law is administered. I feel very strongly on that. I found lots of men who were actually addicted to drinking, working hard for a prohibitory law.

Q. For a better control? A. Yes. I found men who were desperate because of the manner in which the liquor law was administered. Some of them were really men who in their hearts preferred a license law to a prohibitory law, if it was well administered. I think the people find the present license law so badly managed they will get desperate and ask for something else.

Q. You speak of favoritism in the management of it? A. Yes, sir.

Mr. ROBINSON: I think these license inspectors were appointed first by the people, and then by the county councils, and at the request of the county councils, it was thrown into the hands of the Government. A. I think popular vote would be the best. Of course, it is only my opinion. I do not suppose the Government will pay much attention to what I say. The opinions I give are unbiased. I honestly give them, because I think it is better. The reason I make the suggestion is because I have always left myself open to conviction, and even after making these statements, if it could be shown to me I was wrong, I would at once admit it.

Q. You think these men would be all elected on their merits? A. I think so, and I think that is the way it should be.

Q. Don't you think the most popular man in many cases would get the office, either of sheriff or registrar, such a gentleman for instance, as you described our old friend Sheriff McKellar to be? When he was young you think he would be elected for almost anything? A. Yes. Well, why should he be so popular unless people had confidence that he would do his duty? That is what makes a man popular. His honesty and integrity and general ability for the office would make him popular in my opinion. I think that is the way he ought to be judged. Of course some men are popular because they are sociable. There is a sporting class that would not be efficient at all, but I would not support any man for office outside of his capability for the position.

Q. Would you throw politics out of the question altogether? A. Yes, sir.

Mr. MASON: Q. Do you think at the present time the electors generally take your view of it in electing councillors and aldermen? A. Well, I think they do. I have known men to be elected in our township by a large vote of the whole people, and the next year defeated by as large a majority. The people

found out he was not what he was supposed to be, and he was still a jolly good fellow. Those people are confined to a very few in the rural districts, who vote politics in the municipal elections. There will be a few party heelers who will try and get up a little enthusiasm. There are a lot of men, who, in a general election, will vote straight party, under all circumstances, but in municipal matters they will work for political opponent against one of their own. I have noticed that.

Mr. MASON: Do you think they would continue to do so in the case of election for these offices? A. I think so. I think it would be a very safe experiment, and if it was found out to work the other way, I think you could very easily go back to the present system. I think it would work so well you would never go back to it. As I said before, if I found I was wrong, I would only be too glad to admit my mistake.

Q. We have, to a certain extent, the experience on the other side of the line, to guide us? A. I am not in favor of that at all.

Q. Is not that what you are, to a certain extent advocating? A. No. They only hold office for three or four years. Take for instance, our judges, they have all held their political opinions, but I have never yet met a man, to whom I gave the credit of having common sense, who would say that any of our judges were biased because he had heretofore belonged to any political party.

Q. Do you not think that there might be that danger, if he were elected by the people? A. I do not think so.

Q. You think still, that if elected by the people it would be all right? A. I do. I think it would be the means of subduing this extreme partisan feeling. It is with that object in view I would like to see it done.

Mr. ROBINSON: You have been many years in the council? A. Yes, about ten, I think.

WILLIAM SEXTON, Hamilton, Ont., appeared before the Commissioners and was interrogated as follows:

The CHANCELLOR: Have you been in the council in any office? A. Yes, in the county council. I have been there for some years. I have been also a member of the House, and warden for the county for two years. It is six years since I moved into the city, but I have lived in the county over sixty years.

Q. You have the questions we are dealing with, and have formed an opinion about the manner of appointing some or all of the officers? A. I do not know as I could propose anything.

Q. Could you suggest any change? A. No; I do not think I could.

Q. Do you think the present system works well? A. It seems to me so, as far as I can judge.

Q. Would you speak the same as to all of these officers? A. About the same way, I do not know that I have any complaint to make of the appointments now made.

Q. Why do you think it would be better to leave them as they are, than let the county council appoint them? A. I do not think it would be an improvement to give it to the county councils.

Q. Or give it to the people to vote upon? A. I do not think that is a very good plan. Where I have come in contact with some of the officers I have always found the men the right kind of men. As to remuneration, my opinion is they should get fees. Take the registrar for instance, of course registrars do business for everybody, their payment is by fees, and every man knows just what the expense will be when he applies there. The statute regulates the fee, and a person knows what he will have to pay. As to registrars of deeds, that is fixed by statute. I know of no complaints in this county. I think the present system is the best, because a man knows what he has to pay. If the fees are too much, the county gets the benefit, that is, in the case of registrars. As to county attorneys, I do not know much about them.

Q. What amount should a sheriff get out of fees? Mr. McKellar used to complain a good deal? A. I know he was forever fighting with the Government. and arguing with the lawyers, but I always thought the old man was rather hasty. He always complained that the lawyers took the business out of his hands.

Q. What should a man occupying the position of sheriff receive for his own use? Do you think $2,000 would be too much? A. No, I do not think so. As to the other officers, I do not know enough to speak. So far as I am concerned, I am satisfied with things as they are. I do not see any reason for a change; I do not see any cause of complaint. My experience in public life leads me to that conclusion. So far as I have had to do with the officers I have always been satisfied. Of course, appointing them by the Government is the best; causes a good deal of pulling and hauling in councils.

Q. That would also occur in the council? A. Yes. I am a farmer. Of course I have practised conveyancing. I have had no cause to complain, and I do not know of anybody else who has.

T. A. WALKER, Ancaster, Ont., appeared before the Commissioners, and was interrogated as follows:

I am clerk and treasurer of the township.

Q. How long have you been clerk and treasurer? A. About three years. I was reeve for seven years in the township of Ancaster. I assisted Mr. Hyslop as clerk and treasurer.

Q. What do you say about the appointment of any of these officers? A. I might say that Mr. Calder and myself talked this matter over before we came here, and we agreed pretty much on the same points. I say ditto to what he has said on some points. We did not know the salaries of those offices, and we were looking them up this morning. Of course, that one point he raised about a man being appointed, and being there for six months, and dropping out, and another man taking his place, it would not be right for both to get full salary. There might be an improvement made there. With regard to the amount that these men are being paid, I think it depends upon the work they do, and reponsibility in connection with the office. I think the idea of the Government, at the present time, appointing men is all right. We hold the Government responsible for making good appointments, and the people appoint the Government officials. If the Government do not appoint good men, we will appoint a Government at the end

of the term, who will appoint good men. I have been in the county council, and know what it is to have appointments made by the county council.

Q. What would be the difficulty there? A. Well, they say, do not bring in politics. They say so, but I know there have been politics brought in, because I have been long enough in the county council to know that.

Mr. MASON: You have it every year in the election of the warden? A. Yes; I was in the county council ten years. If we had these officers to appoint I know how it would be. I really would not want to be there if all these officers now appointed by the Government, were to be appointed by the county council. I should much prefer the Government to do it I think it would be a question of politics, irrespective of merit. I think the idea of appointing those men, and their salaries, is all right the way it is. I did not understand it until I got this paper, so well as I do now. They keep their salaries up to a certain amount and are paid by fees after that according to the work taken in. I cannot see how you can improve upon that very much.

Mr. HOBSON: You are quite satisfied that the present system is right. A. Yes.

Mr. ROBINSON: Are you equally opposed to having them elected by the people? A. I think so.

Q. You think politics would come in there too? A. Yes.

Q. From your experience? A. Yes.

Q. Your accounts as treasurer, are they audited by a paid auditor of the county? A. Paid auditors by the township. Audited once a year. Bonds of $25,000 are given. It is a large township. The population is nearly 1,500 voters.

Q. How about the license commissioners? Are you satisfied with the way they are appointed? A. Yes. In South Wentworth we have had very little trouble. I can say the same about the inspector and commissioners. There is no doubt the law is broken, but those men look after it as carefully as they know how. They are continually pulling up the hotel-keepers once in a while. I cannot see how there can be any improvement in having them appointed in any other way. I think it would be all right, even if the Government appointed the inspectors of schools. We have seen trouble sometimes with the inspectors of schools, and still I would not like to make a suggestion that the Government should do it at present.

Mr. ROBINSON: In your experience has there been much trouble in the appointment of school inspectors? A. That is only from reading. In regard to our county, I think we have had a good inspector, and have no reason to complain. Of course, that is done by the county council. I am speaking from reading in regard to other counties.

Q. There is no complaint as far as your county is concerned? A. No, sir. I think that every officer under the Government should understand his work and the work of his employees, that in case of there being extra work at times, he could take a hand himself for a few days without hiring extra help, because it generally takes a new hand some days to get into the running of the concern or department.

His Honor, JUDGE DARTNELL, appeared before the Commissioners and was interrogated as follows:

The CHANCELLOR: How many years have you been judge? A. I have been thirty-six years master in chancery, and twenty-one years junior judge of the county of Ontario.

Q. But not always in the county of Ontario? A. Yes; I was appointed master in 1858.

Q. You will speak, I suppose, more particularly of these county officers that you have come in contact with? A. Yes; I have had to deal with county officers of all kinds. But the question arises, what is the definition of county officer? Does it mean a county officer residing within the county, and whose duties are restricted thereto, or does it mean an officer paid entirely by, and giving the whole of his duties to the county itself? Because I take it, there are certain officers that are no doubt strictly county officers, such as the treasurer, the county clerk, and a county official as to which I have seen no discussion or mention in the public press, and which I consider one of the most important, that is, the inspector of schools. That is an office within the gift, and is paid, at all events, to some extent, by the county council. Perhaps in a minor way, county constables may be called county officers. They are appointed by the bench of magistrates sitting in sessions, and they are paid by fees, and when they attend court they are paid by the county for their days' attendance at the court house.

Q. Of course, the discussion might take a very wide range, to embrace all the staff in public service, but we were more particularly concerned about those mentioned, about which there has been some agitation, that is, the registrar, the sheriff, the county attorney, and the local officers of the Courts of Justice, including the County Court and the Division Court clerks and bailiffs. A. As to the registrar of deeds, I have no opinion to express, beyond the fact, that if the expression be used, that they are paid by the county, I think that is in part, at all events a fallacy; because, those people who use the office, pay for the service, and there are a good many outside the county who use the registry and similar offices. Of course, the county has some interest in the matter, because they have to pay for the building in which the registrar of deeds has his local habitation, and also supply fuel and books, I think; to a considerable extent therefore, they are interested in the surplus, but, it is a fallacy, I think, to say they are paid by the county. Certainly, they are not exclusively paid by the county.

Q. Have you considered the question or advisability of taking the registrars entirely into the hands of the Government, or having them entirely within the hands of the municipality, not having this divided machinery, the counties supplying the buildings, and the Government appointing the officer? A. On the whole, the system of appointment by the Government, if it be an appointment by the Government, and not by the local member, is the best. There is always such a scramble for office.

Q. Will it not be so always? A. I suppose it will be.

Q. And will not the local member be consulted for advice. A. Yes; on mature consideration, I think that the present system is better than the local system, and that the Government should have the control.

Q. You are speaking of registrars now? A. Yes.

Q. Then, local masters are the next in order here? A. The local masters; that is an entirely judicial office. There is no ministerial work connected with it. At one time, when the local master was deputy registrar, there was ministerial work.

Q. The local master, *per se*, is a strictly judicial office? A. Yes; and I think, with all due deference to the powers that be, that it was a mistake to take the appointment of the local masters out of the hands of the judges, who had it formerly. The judges of the Court of Chancery, and I suppose, now, if it continued, it would be the judges of the High Court. I speak this way, more from historical reasons than anything else, and perhaps, more from the confidential relationship which used to, and does exist, between the judges of the court and the local masters.

Q. There is no agitation to give the judges the appointment? A. No; I do not suppose there is.

Q. That was a good system, without any objection, I suppose, when Canada had all the power of government; but consider what is the position now, when the Dominion appoints the judges, would Ontario be justified in giving her patronage, so to speak, to the Dominion? If the judges had the appointment, it would be a Dominion officer who would appoint to a provincial position? A. Perhaps it is on account of the pleasant relationship that existed between myself and the judges, and in fact I may speak for all the masters. It was very pleasant as it used to be in the olden times. I think you will find instances in the reports, where the masters sat with the judges, and sometimes overruled their opinions in certain cases.

Q But that would still obtain; there is no severance of that, is there? A. Oh, I do not know, except that it has fallen into disuse.

Q. It has never been exercised in this country? A. No, except as a matter of form, where the master has been sworn in before the court; he has been invited, *pro forma*, to take a seat upon the bench. But I am strongly of opinion, as to the matter of payment by fees, that no judicial officer should be paid by fees, and particularly, a local master. The bar practises before him. It is unpleasant, both for the master, or the person receiving the fees, and perhaps the counsel, or the solicitor himself, being indebted to the judge or master. I have had but little difficulty of that kind however.

Q. It is open to imputation of matter being spun out for fees? A. It is open to that. At the same time, there is this to be said in favor of payment by fees, that a great deal more work is done in the master's office. I am speaking of the country places. Long sittings are held. I fancy that an officer who is paid by salary, will say, "My office hours are from eleven to four, and I do not want to work any longer." But I fancy that every local master in the county is always willing to sit late, and of course, he has a pecuniary inducement to do so.

Q. But, all things considered, would you say that a salary is the proper thing for judicial officers, whatever the station may be? A. Yes; it relieves them sometimes from a painful position.

Q. Now, as to sheriffs? A. The sheriff, I do not regard as a county officer at all. I consider he is an officer of the whole Dominion, with powers limited to his own county. He is the executive officer of the law. He has got to obey the mandate of his superiors, speaking through the process of the court, from all over the Dominion, and for this reason I cannot consider that he is a county officer in

any way. A very large proportion of his fees, particularly in commercial centres, he derives just in the same way that the registrar of deeds derives his emoluments, namely, from outside the county altogether; at least, partly outside the county, and partly he is paid by the persons who use his services.

Q. There is not more than one-third of his fees coming from the county? A. Just about that, so that he is not paid by the county in that sense.

Q. How would you favor his election by the people, or the appointment by the county council? A. I think it would be a dreadful thing so far as the officers of the law are concerned.

Q. Then there is the group of offices that may all be considered together, because they are generally filled by one person, that is, local and deputy registrars of the High Court of Justice, deputy clerks of the crown, clerks of County Courts, and registrars of Surrogate Courts? A. In most counties, the person filling that office is a very fortunate personage, for his emoluments are in some cases larger than those of the county judge.

Q. In your county? A. And in others, judging of the returns.

Q. But they are cut down by the Act of the present session and they must account for fees over and above a certain amount? You have just struck a point I wish you to elucidate a little more. Do you think, in regulating the salaries, if there be salaries, that none of these subordinate officers should have more than the county judge? A. I do not say that, because I think the county judge has too little.

Q. That is, assuming the county judge has enough? A. Yes.

Q. You do not want to get them down to the county judge, because the county judges are notoriously underpaid, but would you make that a criterion? A. No; I hardly would. It seems an anomaly that an officer of a purely ministerial character, who can employ a deputy, should receive a larger emolument than the chief judicial officer of the county.

Q. Well, would he get more, if you took into account the surrogate fees, and the perquisites that fall to the county judge from all sources? A. Of course, I am only speaking in respect of my own salary. The senior judge gets fees in the Surrogate Court.

Q. It is anomalous that a clerical or ministerial officer should get more than the chief judicial officer of the county, but the remedy would be to increase the judicial officer and not decrease the other; or would you say, if these offices are combined, that this system of making them account after a certain point is one to be cultivated? A. It is hard to say. It is to be recollected that the local registrar has emoluments that do not appear in Mr. Fleming's report. I do not know whether that is so or not. The local registrar is now a special examiner, and I think that has been rather of an evil than otherwise, because he gets his fees for that, and a great deal of time is taken up therein. The other work runs in arrears, while just before the sittings of the court his time is largely taken up with very profitable work. Then he is also a referee by statute, which he was not before.

Q. There is not very much goes to him in that way? A. No.

Q. The examinations are the chief item? A. The examinations are very profitable.

Q. And those he is not required to keep an account of ?

Mr. FLEMING : He returns that as part of his emoluments. Not of his special examinations. That is outside of his duties as local registrar. That is a distinct office, and in that case he is not obliged to return.

The CHANCELLOR : That should be a matter of return. If he is an officer and drawing his salary, and getting these perquisities besides, it should appear what these perquisities are ? A. Of course, if he examines as clerk of the County Court. or local registrar, he has got to return, but if he has a separate commission, I do not suppose he is bound to make a return of his fees carned as examiner.

Q Here is a man occupying four offices, would you advocate the partition of those between two men, giving them fair salaries, or would you increase the salary of the man who occupies the four ? Which do you think the best way of dealing with it ? A. Well, it is an anomaly. The local registrar is paid a salary for all the work he does in the High Court of Justice ; he is paid, I think, $600 a year ; all the other work is paid by fees. The County Court work is very small, but the Surrogate Court is a very profitable portion of his work.

Q. That appears in the return ? A. Yes. Then the chattel mortage business is extremely profitable. That is returned also. Then it has always seemed to me that the fees which the registrar receives for putting a deed or mortgage on record, is grossly out of proportion to that which the County Court clerk receives for similar docketing, receiving, and locking up in his safe the chattel mortgages that are registered. A great many of the chattel mortgages are for very small sums. Perhaps a very large proportion of them would be $100 or under, and there is the renewal every year.

Q. What is the disparity in the fees ? A. Fifty cents is the fee for registering a chattel mortgage, the same sum every renewal, and fifty cents for every discharge. The registrar gets, I suppose, about $1.60 on the average ; he has responsibility very much greater than the county clerk.

Mr. FLEMING : And under the late Act, where they do not register the mortgage at length, he just gets a dollar.

The CHANCELLOR : What do you say about the amount of fees of these officers discharging a multiplicity of duties, what do you say the remuneration should be. Can you give any estimate ? A. I can only speak from the standpoint of my own county and what I read in the returns.

Q. If you can give us some general proposition, which will help us, we will be obliged.

Mr. ROBINSON : Are they paid too much now ? A. As a general thing, they get more than the county judge.

Mr. ROBINSON : Speaking of your own county, are they paid too much ? A. That is a delicate question. There is an extremely efficient officer there ; you could not have a better one.

The CHANCELLOR : I was rather asking, with the experience of your own county, to give us some proposition which would help us, as to some standard to go by, if possible. A. I have already enunciated the broad principle that I do not think any judicial officer should be paid by fees.

Q. Then it is the quantum of salary you are speaking of ? A. Well, I fancy that if the local registrar can do his duty at a salary, which he does now, that he

could do his duty at a salary as County Court clerk or surrogate clerk, just as well. And, my notion as to that is, to give a fair salary, and a reasonable allowance for assistance.

Mr. HOBSON: What do you consider a fair salary? A. Speaking of my own county, to fulfill all those duties, the fees being funded and paid by stamps, I should think that you could get a capital man to fill the office, at a salary including assistance, equal to the present salary of the county judge, $2,000 a year.

Q. Would you prefer that to the present system of letting the officer take the fees, and accounting for them. You know the system. $1,500 to begin with, and after that he has to account, the same as the registrar. You prefer the salary. A. Yes; I think I prefer the salary, even to that system.

Q. Would you indicate why? A. Well, we will take such a case as Ottawa, where even with a percentage going to the Government, the fees are very large.

Q. You mean it runs up too high? A. Yes; I see in to-day's or yesterday's paper, an estate has fallen in there of $600,000 or $700,000, the Blackburn estate, and there are a good many such instances in the city of Ottawa in late years. That would relate to the surrogate fees.

Q. You think that should be put on the footing of a salary? A. Yes; it will be recollected that in Toronto and Ottawa it does not all go to the Government, but after that $1,666 is received by the senior judge, then the surplus goes to the junior judge. I believe the junior judge at Ottawa gets a portion of the fees.

Q. Do your observations apply to county judges, or to the surrogate registrar? A. To both. In a great many counties the surrogate fees have been commuted by the judge. The senior judge of my county has commuted them.

Q. That is more satisfactory you think? A. Yes, I think so.

Q. Then it is the position of the registrar of the Surrogate Courts you are speaking of? A. The observations I have made as to the master-in-chancery apply to the surrogate judge, he should not be paid by fees.

Q. He is not in this list; he is appointed by the Dominion? A. No; not the surrogate judge.

Q. He is appointed by the Dominion, the judge? A. Yes; he is the county judge of the County Court, and of the Criminal Courts, but by statute he is an official of the Provincial Government, just as Division Court judges are presiding judges of the Division Courts, appointed by a statutory commission from the Local Legislature.

Q. The Local Legislature could not appoint a new man surrogate judge, could they? A. I think so, I suppose they could pass an Act re-organizing the Surrogate Courts, and could in like manner repeal the Act making the county judge the Division Court judge, and appoint Division Court judges.

The CHANCELLOR: But the Dominion Government would have to appoint the man. A. Not to preside over the Division Courts.

Q. I was speaking of the Surrogate Courts. If they separated the office of Surrogate Court from the County Court, and it adopt the judge of the County Court, the Dominion would have to appoint a new man? A. I do not think so. He would remain County Court judge, appointed by the Dominion. The B. N. A.

Act expressly says that the Dominion Government shall have the appointment of the judges of certain named courts, but does not mention Surrogate Courts nor Division Courts. The judges of the Division Court, and the surrogate judges, I take it, are statutory appointees of the Local Government, not of the Dominion, and, as far as I can see, there is no possible objection, or no possible contravention of the B. N. A. Act, to prevent the Local Legislature repealing their own statutory appointments and appointing their own Surrogate and Division Court judges, just as they have in unorganized territories, designated the stipendiary magistrate as Division Court judge.

Q. That would be a greater expense? A. I do not suppose it will ever be done. The Local Legislature is fortunate in getting the services of the County Court judge as Division Court judge and surrogate judge, and also as revisers of voters' lists without expense to it.

Q And the County Court judges were fortunate in getting these perquisites when the Dominion does not pay them enough? A. Yes; but we are municipal servants for multifarious local work, for which we get no pay from any source.

Q. Then the county attorney and clerk of the peace, should they be appointed by the Crown, as at present, or voted on by the popular vote? A. We have seen so much of the evils on the other side of the line, arising from the executive officers of the law being appointed by the people as a reward for party services, that I think the appointment by the Crown is the best. Then, as to the remuneration, I think my observations as to judicial officers just as forcibly applies as to the man in charge of prosecutions. I do not say that it is the case, but at all events, it should not be said that the Crown prosecutor has a direct pecuniary interest in procuring convictions. If he gets more when he gets a conviction than when an acquittal ensues; that, to my mind, seems shocking.

Q. That, I think, is a very sound observation. Now, about the amount his salary should be. You are speaking of the clerk of the peace? A. My notion has always been, and I have given it careful consideration, that the system of county attorneys, and that perhaps involves a larger question, the question of the grand juries, should be very much modified, and I would like to see a number of crown prosecutors for the whole province, limited to a number very much below the number of county attorneys.

Q. That is for large districts? A. Yes; for large districts, and who should be paid a salary. The salary should be large enough to get first-class talent. The fees now annually paid to crown counsel would amply provide for the salaries.

Q. That is the Scotch system? A. The Scotch system of procurators fiscal.

Q. But, taking the thing as it is now, respecting the county attorneys, doing the duty they do, what would you say would be a standard salary, if we can get at a standard salary, for both? A. Of course, the better the salary the more careful the Government would be in appointing good men, because they must get good men. They require the very best. I should say that no county attorney should have less than $1,300 a year.

Q. And the clerk of the peace? A. The clerkship of the peace is a purely ministerial office.

Q. $1,000, and let the joint office be $2,500? A. Yes; if you wanted to keep it up to the standard that most of them earn now. If a liberal salary was attached to the combined offices, it would be in the public interest that the whole time of the official should be devoted to his duties.

Q. Clerks of the peace get more than $1,000 now? A. I do not think so.

Q. You would be guided very much as to the clerks of the peace by the returns? A. Largely; there is the option to commute. I am satisfied Mr. Farewell would be very glad to commute at a thousand dollars. I would be glad to knock off 20 per cent. of what I get in fees at any time in order to get a fixed and stable sum. There is the worry of keeping accounts.

Q. And county attorneys, about $1,300 on the average? A. I should say that much, in order to get good men.

Q. That would be a moderate sum? A. Yes; rather under than over.

Q. Those offices very fittingly go together? A. I think so.

Q. One works into the other? A. Yes. It would be anomalous, that having papers placed in the hands of clerk of the peace or county attorney, you would have to walk down town or to another part of the building to inspect them when filed. The offices ought to be combined.

Q. Then, the only other persons are Division Court clerks and bailiffs. You have had some experience with those? A. Yes; because I had the duty of appointment for some time before the change in the law. While I have every reason to be satisfied with the appointments that have been made since, still I find there is some friction, that is to say, I have not got the same control over my officers that I used to have. On one or two occasions I have intimated to an officer in my court that I thought I would have to suspend him unless some change took place. It has come to my ear that it has been said, "Oh, he has a pull, the judges cannot do anything with him," so that I perhaps have to hesitate. It would place a judge in rather an undignified position to suspend an officer and have him thrust back upon him again.

Mr. ROBINSON: Q. Still, they are subject to inspection? A. No one man, with all the energy and application that the present inspector has, is able to give efficient inspection. I think the complaint to the judge on the spot was infinitely preferable to the present system of writing to the inspector on every petty matter. He is deluged with the most ridiculous applications. I know this must be so. You can see by the return of letters he has to write. I think the supervision of the judge far better.

Q. You would prefer that the judges should investigate? A. He is on the spot; he can hear the party; he can investigate a complaint; it is impossible for the inspector, with a complaint at Sarnia, at Ottawa, or some other place coming in on the same day, to give his personal attention to each.

Q. Do you know the reason why the change was made, taking it from the judges? A. I do not know at all.

Mr. ROBINSON: Q. Petition of the people? A. I don't know. I don't think so.

The CHANCELLOR: Q. Were there not abuses? A. There may have been nepotism. More than one member of the Government has expressed his opinion to me as extremely sorry the patronage was taken over, because it had been the source of a great deal of annoyance. In the case of a large office being vacant, the parties eligible and thinking they are entitled to it are limited to a very few in number; but on a Division Court clerkship or bailiffship becoming vacant

there are forty people in the neighborhood think they would all make a good Division Court officer.

Q. Do you think bailiffs and Division Court clerks, and so on, could be safely left to popular election? A. No; I think it would be a great mistake. On the other side, south of us, the great railway corporations, the trust corporations, practically elect judges, amenable to their influence.

Q. If this is a local court, and the people are interested in the local administration of justice, it is not like a part of the larger machinery, where the court is a superior court; this is a local court, the poor man's court; would not the people take sufficient interest in the matter at their annual election in their township when occasion arose, to elect proper officers for clerks or bailiffs? A. No; I think the most persistent canvasser would be elected, and not the best man. It all depends upon energy.

Q. That being so, would you prefer to leave that to Government appointment? A. I was very glad to get rid of the annoyance of the supervision of the Division Court. I think the old system of appointment by the judges was the best, though there were charges, of course, always made.

Q. But as between the Government appointment and the election, or the county council appointing, which would you favor? A. I think I would prefer the present system. You might as well say, (take the case of a village constable) that the man that had the most votes should be elected. The rowdies would combine to elect a man favorable to their own views.

Q. Do you think it would be a good thing to have an experiment, as to some of these smaller offices, and see how it would work? A. It would become beyond the range of experiment once you establish it. I think it would be difficult to take a step backwards. I think it would be a dangerous experiment.

Q. Then as to these offices, clerks and bailiffs, do you think it would be any improvement to have instead of this system of small fees, which it is said may give rise to extortion, to have a fixed sum paid, regulated by the amount, a cer-percentage, say, if it was $50 or below that, or above that, which would represent the expenses of the court, to be apportioned in some equitable way between the clerk and the bailiff. Some scheme might be worked out for a fixed sum paid at the beginning of the case, to cover costs up to the judgment, if undefended, and a further sum if the case should go on. Do you think that the system of fixed payments to represent costs would be better than charging all these small fees? A. Most decidedly.

Q. That could be worked out? A. I think so, and a step has been made in that direction by the present Act. It is a great satisfaction to a suitor, plaintiff or defendant, to know exactly beforehand what it will cost him. Of course, that will be in addition to disbursements, mileage and so on, and witness fees. It would represent the cost of the court. I think it was a very valuable advance.

Q. It has been advocated as to the English County Courts, but not carried out. It could be extended so as to cover the whole expense of courts? A. It would be a very good move.

Mr. Robinson: Have you had any experience with county councils? Were you ever in that work? A. No, never. I have had a very intimate knowledge of the working of the county council.

Q. There are some forty or fifty county councils in the province, and about half of them have petitioned the legislature that they should have the appointment of some of these officials, such as the registrars and others. You have said you thought it would be injurious to the public interests to have them elected by the people. What do you think of some of these gentlemen being elected by county councils, who say they vote for members of Parliament, and other individuals, and why should not they be competent to vote for these men? A. Well, I do not know that they get the best men. I will give an instance in my own county, within my memory since I have been living there. There have been five county treasurers. They have got a very efficient and able man now, but, as a general thing, the office is put up to the lowest bidder, or the man that has the best "pull." Out of those five treasurers, in the last 30 or 40 years, several of them have been defaulters, and that in very considerable sums, and I think you will find in a late return to the Government what the defalcations have been throughout the province, and that they amount to a very alarming sum.

Q. Was that owing to the office of treasurer in the county being made a political one? A No; in our county council both political parties have been about equally balanced, but I do not think politics have all to do with it. I think it is often the wish of the county council to reward faithful members, and they will elect, as they call him, "An old war horse."

The CHANCELLOR: But if the council had this kind of patronage, of lucrative officers, would not the political element run strong? A. I am afraid of that. I am afraid if the elective system was introduced that partyism would run down to every side line and concession line in the province.

Q. It has worked that way in the States? A. I think it is inevitable under the elective system.

Mr. HOBSON: But, in the case of the treasurers, I suppose the county had an inspector, an auditor? A. Not an inspector; there is an audit. That is another county office. They generally appoint an ex-warden, not always a man that knows sufficient about accounts.

Q. Would you favor the Government appointment of auditors? A. I have strongly advocated that there should be an inspection of the county treasurer and rules directing what books shall be kept. Such is provided in respect of other offices. I do not see why they should not be applied to the office of county treasurer.

Mr. ROBINSON: Q. Yours has been a very unfortunate county in respect of defaulting treasurers. The county have their own auditors? A. Yes; they are elected every year. The auditors are changed every year. They are sometimes re-appointed; the county council elects one, and the warden the other, and he is pretty sure to appoint a man that has supported him strongly in his own municipality, his best friend, and so a sort of a reward, more than anything else. The audit in many instances, is not to be relied on.

Mr. HOBSON: Q. Would you consider that Government inspection would be as good as appointing an expert auditor? Term him what you like, an auditor who is an expert in his business. Of course, inspection and audit are very different, inspection usually means looking up the details, while audit means going fully into the accounts. Would you consider it well that there should be an expert auditor? A. I think it would pay the municipality well if they were

taxed a small amount or percentage to pay an inspector a liberal salary. I think if an officer of that kind were paid $5,000 a year, and his travelling expenses, the municipalities would make money if they paid a small percentage towards his support.

Q. It is easily seen you have not much confidence in the auditors appointed by the county council, as a usual thing? A. As the Chancellor knows, my duty as master in chancery has largely been the taking of accounts for nearly thirty-six years, and I can say the audit is in many cases quite unreliable.

Mr. Robinson: Q. When the treasurer is in default it is a direct loss to the county? A. Certainly.

Q. The representatives in the county are brought to book? A. That is explained very easily. The reeves and deputy-reeves change from year to year, and the blame is shouldered upon former councils. I have taken a great interest in educational matters. I was seventeen years a member of the school board, nine years chairman. I feel very strongly about the official filling of the most important office, the inspectorship of schools, being in the gift of the county council. The best man is not always selected. Without saying anything against our own inspector, who is a faithful hard-working man, I said at the time of his appointment, there were a half a dozen candidates of the highest attainments in educational matters, and because they were not local men, or had not influence or "pull," they were not appointed. In the county of York the inspector of schools has given offence to a number in the county because he insists upon the enforcement of the regulations and the improvement of schools. I do not know whether they will succeed or not, but I know a strong effort was made at the last session of the county council to cancel the appointment.

Q. Do you think the appointment should be in the hands of the Government? A. I do not know about that.

Q. In whose hands should the appointment be, do you think, of the school inspectors? A. That is hard to say, I have not considered that. I certainly think that the best men are not obtained. As a man taking a deep interest in educational matters, I consider that a very grave evil exists in that he is liable to be dismissed at any moment.

Mr. Fleming: Q. There is a two-thirds vote of the council required before dismissal? A. I do not know what it is. I know there was an effort made in the county of York to dismiss the inspector. He said that in certain sections you must put up better schools, you must ventilate them, and so on, and he was for enforcing the school regulations.

Q. He is responsible to the Government for carrying out the rules? A. The law is imperative, but if he presses it too hard, then he cuts his own head off. I press this before the Commission, because I do not see that it has been adverted to in the public press, or in the evidence given so far.

Mr. Robinson: Q. You press the appointment of inspector of schools upon the Government? A. I suppose if the Government is interested in carrying out their own regulations, they ought to have some voice, at all events. The sheriff appoints the jailer, but the Government has to approve of the appointment.

The Chancellor: Q. Would you apply that to the inspector of schools; appoint with the approbation of the Governor-in-council? A. That would be a decided advance. The present system is harmful.

Q. There is another office brought before us, that of license commissioners. Have you considered the advisability of making any change? A. I have not given so much attention to that. I think, so far as my experience goes, knowing all the license inspectors within the two ridings of the county, that they have performed their duties very faithfully and efficiently.

Q. But these are the commissioners, who entertain the applications for license, and grant them in the first place. It has been said there may be a tremendous political power exercised by those men, and that the appointment ought not to be in the hands of the Government? A. I have no doubt they have enormous power. It is within their power to exercise it with a political bias. I cannot speak of my own knowledge, but I have heard it fully stated that it has been so exercised.

Q. You have not considered as to what change might be made beneficially, you have not considered that question? A. No, I have not.

Mr. ROBINSON: Q. Does not the county council force the treasurer of your county to give security? A. They do, the law requires them to do so.

Q. Your county did not lose any money in these instances? A. Yes. In one instance the bond was lost, if one ever existed. There was a division in the county, and the bond was not changed; the original bond was to a non-existing body, viz., the provincial council, the new county lost $30,000 or $40,000. No new bond could be found. Inspection would have disclosed this.

Q. The county council are not calculated to get the best men? A. No, they are most niggardly.

Q. But so far as appointment by the council is concerned, it is your deliberate opinion that it would not be given to the best man upon his merits, but to the best politician and log-roller? A. Partly that, and particularly to the man who was willing to take the least salary. At one time, the salary of the treasurer of Ontario was $1,200, and it was the hobby of some of the men to pare it down, it was eventually reduced to $700, and then they woke up to the knowledge that there was a deficit of $30,000 or $40,000. They have a very good man now at a moderate salary, but he is a man of wealth and leisure, and ease, and he wanted to move his family into town for school purposes; he was willing, rather than be idle, to take this position, but that is an exceptional case.

JOHN B. CALDER, Carluke, Ont., appeared before the Commissioners and was interrogated as follows:

The CHANCELLOR: Q. Are you in council there? A. No, sir.

Q. Have you anything to do with municipal affairs? A. Not at the present time.

Q. What county are you in? A. Wentworth. I was in the county council and township council.

Q. What do you think about the manner of appointing any of these people, or electing them? Would you change? A. I have not seen any reason so far for a change. I think it as well to elect the Government and hold them responsible for the officials under them. Let them make their laws, and see that they are carried out.

Q. That is the present system? A. I think so.

Q. The Government is responsible for making the appointments, and you would leave it so? A. Yes.

Q. As to the manner of paying them, what do you say about that? A. Well, I would say something similar to this, let the men who are getting the work done, foot the bill. There should be fees.

Q. If he gets a large sum, would you say he should get all or take a certain amount? A. That is a matter that depends upon the responsibility of the office, and the work, and unless a person is intimately connected with it, he can hardly tell what would be right. I could not tell how much these men are really entitled to get, although I think if the Government knows they are getting too much, it is a very easy thing, to have a rebate of a certain percentage. I am not in a position to say how much their services are worth. I am not intimate enough with their work. There is no doubt a certain amount of responsibility. I know about what these officers get, but I am not in a position to say whether it is too much or too little.

Q. You do not offer an opinion on that? A. No.

Mr. Robinson: Q. You would be in favor of their getting a fair amount? A. I would like to see a man, responsible for the position, paid for the work he is doing.

Q. Would you let him do any outside work, say the sheriff or registrar, or would you confine them to the business of their office? A. Well, in a place like the county of Wentworth, I would confine him to his office. In newly settled counties, where there is not sufficient work, and he had time to do something else in connection with it, I have no objection to his doing so.

Mr. Hobson: Q. But the general public expect to find a man in his office? A. They would want to find him near at hand. If he was doing outside work, he might have a store, and be there all the time, but still doing something else, as well as attend to the office.

Q. Any trouble in your quarter with Division Court clerks or bailiffs? A. No; we scarcely see or hear of them in this part. I never had anything to do with either one of them.

Q. You have heard no complaint about them in your neighborhood? A. No; nothing of any account.

Mr. Robinson: Q. Have you heard anything about the license commissioners? A. I am quite a long distance from any of their work. As far as the license commissioners are concerned in the south riding of Wentworth, they are doing very satisfactory work. If they were doing it as well in all counties, I do not think there would be any objection raised. The inspector is doing good work as well. I know in some counties they are not doing the work so well.

The Chancellor: Q. Is there any matter you want to bring before us? A. There is one question I would like to ask you, regarding these fees. Take for instance, the registrar's fees, and sheriff's fees. They are made up at the end of the year, or when does he get his salary?

Mr. Mason: Q. He takes the fees up to a certain amount, and at the end of the year he has to account.

Witness: Take, for instance, the registrar, who gets $1,500, and after that there is a percentage off. Suppose he should be the registrar only for eight months?

The CHANCELLOR: Q. That is the question that came up yesterday about his getting the whole of $1,500, and the new-comer getting $1,500 in the same year. That is the point that was raised yesterday? A. I did not hear the evidence given yesterday.

Mr. MASON: Q. Mr. Stock give us evidence on that particular that you are raising now.

The CHANCELLOR: Q. That one man, for half a year, got $1,500, and the other man for the next half year got $1,500. That should be arranged? A. It should be rated up from the end of the year, and the two of them, if two, the remuneration should be divided according to the time.

JOHN CRERAR, Q.C., Hamilton, Ont., appeared before the Commissioners and was interrogated as follows:

The CHANCELLOR: I suppose you have taken a glance at the questions under discussion? A. I suppose that my views ought to be pretty much restricted to my own official department. At the same time I do hold somewhat pronounced views with respect to registrars, in the matter of income by fees, as distinguished from salaries.

Q. You mean registrars of deeds, or registrars of courts? A. Of deeds. I am of opinion that no municipality should have power to levy a tax upon the public, for the maintenance of registry offices, at least to any greater extent than a bare sum to cover the net annual cost of the institution to the municipality. Even to that extent I do not consider the power in question should be given. A registry office I deem to be as much a necessary adjunct of a municipal equipment, as a court house, or a gaol. It is necessary to the residents of the municipality, although incidentally a convenience to the public outside of it. It should not become a source of revenue to the municipality. If the fees charged for services rendered by a registrar exceed a proper income to himself, those fees should at once be reduced.

Q. Would you make the office simply self-supporting? A. So far as the municipality is concerned, yes.

Q. And so far as itself is concerned? A. Yes; I am impressed with the soundness of the general principle that where an office, a public office, is of a purely administrative or executive character, involving upon its incumbent no greater responsibility than the discharge of executive duties, with reasonable skill and ability, that incumbent might be properly deemed to be entitled to a remuneration in the nature of a fixed annual salary. Where, however, there is superadded to the officer, personal liability to the public, he should be paid by fees. Applying this principle to the registrars, the fact is, that a registrar by law, is responsible to the public who deal with him, for his errors. An erroneous abstract, for instance, accidentally leaving out of it the item of an existing mortgage, might lead to a very severe loss to the recipient of such abstract, and as the law is, the registrar would be liable to make good such loss. No reason why he should not be so liable. His fee covers the abstract, and the cost of his special certificate that such abstract is correct. Assume the registrar to be paid by salary, manifestly the municipality would have to make good the loss caused by its agent, or servant; someone must be held responsible, otherwise the public would have no guarantee that for fees paid they got value received, and the certificate of accuracy would be of no practical value. Were the municipalities

made aware that in case of payment of registrars by salary, and not by fees, each municipality would be held bound for the correctness of every document or abstract issued by the registrar, or by his clerks, I am extremely doubtful if more than a small minority of them would be willing to change the present system.

Q. Then would you give unlimited fees? A. By no means.

Q. Then would you have them graded as at present, a certain amount to the officer, and then a percentage paid? A. I object, in toto, to any percentage being paid to the municipality.

Q. The municipality have to furnish books, and keep the offices in repair; in many counties they have had no surplus and have had to expend $600 in keeping the buildings in repair; they think that is a hardship? A. No greater hardship than keeping a court house or a gaol in repair, and as I have said it is as much an incident of a well-governed municipality, on behalf of its own people, to have a registry office as to have a court house or a gaol.

Q. They do that and they say they want to make the appointment of the registrar because they do that? A. Well sir, my opinion is in round speech that the operation of such a principle of appointment would be the introduction into Canada of the American system, as against the British system, and the latter is, in my judgment, infinitely to be preferred In my travels through the United States I have found amongst thoughtful citizens of the Republic, a decided hostility to their elective system, in this and kindred matters, and an avowed preference for the Canadian system as it is now in Ontario. I think it will be admitted by the majority of the yeomen of the province, that in the election of a warden by a county council, the party political stripe of the aspirants or candidates is deemed to be of the gravest moment. What would it be in a case of a public election for a sheriff, or registrar? In the first case the office is one of honor, in the others one of very considerable pecuniary advantage. Can it be doubted that if bribery and corruption can be truly assigned to the election of members of parliament, that this evil, if it exists, would be intensified in the election of a life incumbent to the office yielding from $2,000 to $4,000 a year? It is said that in many cities and counties of the United States the successful candidate for public offices, even of temporary character, employs money bribes for votes as the rule and not the exception, in his methods of securing the voice of the people on his own behalf. I would deplore the introduction of such a system into the Province of Ontario, for I decline to admit that man for man individually, the American citizen is more corrupt than the Canadian. If it be otherwise, a few years of experience here of the American system would place both people, in the regard I refer to, on a level.

The CHANCELLOR: Q. Taking the scale fixed by the present statute, what do you say about the fairness of the compensation to registrars? A. The average income of registrars I have not looked into. I do know that there are many charges which are not only too onerous upon the public, but are exacted for services which cannot be regarded as a *quid pro quo*. Take the item of abstracts. What is an abstract in the ordinary sense? It is a mere copy of one or more pages, or part of a page, of the abstract index. That and nothing more. Some years ago abstracts could only by compiled by registrars from the instruments registered. But the Government paid a large sum of money to registrars for compiling a general abstract index, rendering thereafter the preparation of an abstract as simple as the copying of a deed. "Searches," examining the instruments, were no longer necessary, unless special extracts or particulars from each instrument were asked for. What is called a "conveyancer's abstract" and a

"registrar's abstract" are two different things, but the registrars to-day charge precisely the same fees for a "certified copy of a page of the index," as formerly they charged for compiling such material from searches, amongst the instruments themselves. The practice is this: A person buying real estate asks a registrar for an abstract covering the lot to be conveyed. He, the registrar, sets his clerk to copy out a duplicate of the page of the index set apart for this particular lot. Suppose there are 20 entries, deeds, mortgages, etc., the fee charged is so much per folio, regulated by the statute, for the writing, and five cents more for each distinct entry, as a distinct "search." No "search" is actually made, but a charge is made for 20 searches (in the example given), one search for each entry. What necessity was there to pay a large sum of public money for the construction of an abstract index to facilitate the preparation of abstracts, if the old charges for such abstracts were to prevail, as if no index had been got up? I admit that if a registrar were paid by salary, and not by fees, this particular tax upon the public, dealing in real estate, would soon be got rid of; but it can be got rid of easily enough without resort to the salary method, which, as I have said, would shift responsibility from the official to the municipality. All that is required is a statutory reduction of the fees charged for an abstract, when that abstract contains no other particulars than is afforded by the abstract index book. Let "searches" be paid for when searches are made, not otherwise. This would impair the gross revenue of the individual registrar, but the shrinkage should come out of the surplus paid the municipality, not out of the registrar. Why should a municipality make money out of a charge, or tax, of this kind?

Mr. ROBINSON: Q. Is it an advantage to the public to have a lawyer registrar? Should a registrar be a professional gentleman in your opinion? A. Not necessarily, but doubtless a lawyer would have an equipment for the office which a layman has not. I have in my mind's eye some deputy registrars quite as competent to furnish the legal profession with information from the registry records, as any lawyer would be. Some registrars, or their deputies, have an extraordinary faculty for carrying in their heads the configuration of their counties, and of remembering the current of transfers of the ownership of lands.

Mr. ROBINSON: Q. Are you in favor of having those deputies paid by the chief registrar, or would you have them paid independently of him, by the Government. Because it is said they are kept on starvation prices, while the chief man has a large salary? A. There may be some truth in that, I cannot speak knowingly on the matter. It would appear to me, however, an indefensible principle, to thrust upon a registrar a clerk at a given salary, to be paid out of the registrar's revenue, and then hold the registrar responsible for the errors which such clerk may perpetrate. The discipline of a registrar's office would, I fear, be impaired if the clerk's income was fixed in spite of the registrar's consent, or dissent. If the responsibility of the office is saddled upon the registrar, he should be, in my judgment, the sole arbiter as to the character of his staff. If he himself is paid by salary, I take it it would be supremely indifferent to him, what salaries were paid his subordinates. The whole office army would, under graded salaries, not fees, be tempted into a happy-go-lucky family, free from care, each one conscious that beyond the common reproof for error, peculiar to banks, insurance companies or other companies, in dealing with its clerks, they had nothing to worry over. Indeed they would be freed from the dread hanging over clerks in such corporations, for in the registry office there would be no "rise of salary," contingent upon special application or ability. The salary fixed, would be the same yesterday, to-day and forever with no spur to activity, or special efficiency.

Q. Should a registrar employ as cheap labor as he can. It does not come out of his pocket, it comes out of the fees? A. Yes, sir; but are not the fees his, subject to the "rake off" for the municipality. If you would fix the deputy's salary, why not the clerk who does mere copying, why not the menial who cleans out the offices. If the principle of paternal control is to be introduced, it seems to me it must extend throughout.

The CHANCELLOR: Q. Is not that part of the duty of the inspector. If the disbursements are very large he inquires why it is so. He may not enquire if they are very small, but if there is a staff he might enquire how much they were paid, and, I suppose, regulate in that way, to some extent, what is paid? A. I think, sir, that a wise inspector might have a good influence in persuading a registrar to regard his laborers as worthy of their hire, and that the hire should correspond with the labor done, but still I cannot see how a Government, as such, should regulate the salaries paid to each official in a registry office. Paying a registrar by salary from a municipality, really means a levy by the municipality upon the farmers, for the most part, in that municipality, to liquidate the bill. If the fees were to come short of the fixed salaries in any year, a tax to make up the shortage would have to be levied upon the ratepayers, and in case of a special loss from some error of a clerk, the loss must needs be made up in the same way. Under the present system, as to the overplus of fees paid each municipality, a special tax for the benefit of the general revenue of the municipality is levied upon that class of its ratepayers who happen to have had transactions in real estate. It is bad enough for a farmer to be compelled to mortgage his farm, but it is cruel work, in my judgment, to compel him to contribute, at the time of his mortgage, a fine to his municipality, viz., a fee in excess of what is necessary to pay the registrar for his services.

In regard to my own office as county crown attorney and clerk of the peace, were I paid by salary and not by fees, the chances are it would prove to me a financial gain. Nevertheless I believe in fees, not in salary. As to the office of clerk of the peace, which is nearly administrative, the duties being year in and year out pretty much the same, I have no objections to salary in lieu of fees. As to my county attorneyship I would rather accept a smaller income with fees than a larger, by way of salary. It seems to me that the office would in a sense destroy my independence were I made a salaried official.

The CHANCELLOR: Q. All those public prosecutors in England and Scotland are paid by salaries? A. Yes, sir; but the tendency in Canada is to regard a crown attorney as a criminal lawyer, and that only. Were a salary substituted for fees earned, this feeling would be increased. Few persons understand how the office of public prosecutor infringes upon the general legal business of the incumbent. The popular notion is that the office of county attorney being conferred upon a given barrister, increases his then existing business to the extent of the fees of the office. This is a grave mistake. Taking into consideration the business he can no longer take up, such as the defence of criminal charges, and the loss of status I have spoken of amongst the masses, as a civil lawyer, the office fees are a very small matter. But county attorneys cannot be regarded as one class. The duties and responsibilites cast upon such an official in a large criminal centre, such as Toronto, Hamilton, and other populous cities, are of a very different character from those thrown upon county attorneys in sparsely populated counties and small county towns. This must be apparent.

The CHANCELLOR: Q. There is a very strong opinion on the part of men who are capable of judging county judges, in favor of salary to clerks of the peace and

county attorneys? A. Yes, sir; I noticed that ex-judge Kingsmill, for example, suggested that in his opinion a crown attorney paid by fees could create fees.

The CHANCELLOR: Q. He says that it is open to that imputation, that they could do it? A. I fail to see how it can be done, even were a county attorney base enough to do it, if he could. I never saw it done. On the contrary, suppose a salary were paid, what would happen, or what by way of "imputation" would the office be subject to? What incentive to active work, to extreme diligence would a county attorney have, if his income were the same from indolence, as from praiseworthy activity? It is hard enough for any county attorney, as the law stands, to exert himself in the prosecution of a person charged with a crime say larceny or embezzlement, even in some varieties of forgery, where the accused has been chased by poverty, and has a wife and helpless family. The duty to the public conflicts sadly with homage to humanity, and sometimes the "fee" turns the scale in favor of stern duty. It is useless to underestimate this feature of the case; it is a reality.

The CHANCELLOR: Q. How is it done in Scotland, where they are a pretty canny people, and do not expend their money without getting benefit for it. They are salaried there? A. That is true. In my youth I was familiar with the duties of procurator fiscal in our vicinity. I cannot recollect however, during a period of over a dozen years, where he was called upon to prosecute any crime in our neighborhood, more dreadful than the shooting of a hare without a license, or the catching of a salmon in some river, out of season. Had that official not been paid by salary, his fees would not have paid for his cigars.

Q. The universal rule in the States is that the prosecuting attorney both in the States and in the Federal Government, receive salaries; it is the universal rule? A. Yes, and magnificent salaries at that.

Q. The question is, whether salaries or fees, and the ground they put it on, is that he is a semi-judicial officer, and that all persons in semi-judicial positions should not profit by fees at all? A. Your lordship knows that state attorneys are *quasi* judicial in a sense which does not exist in Ontario. The state attorney, in the matter of bail for instance, practically fixes the amount. He intervenes at different periods of a prosecution in various ways, that he "will consent to this or that," or accept "this or the other," in short he is semi-judicial, and so regarded, and his voice has an effect and status which is not accorded to any crown attorney in Ontario.

Q. But still that would not affect the principle as to whether they should get fees or not? A. If the salary is paid in lieu of fees, owing to the judicial character of the official, then if the same judicial character is not in Ontario recognized, the principle will not apply. The influence of a state attorney or federal prosecuting attorney, in a criminal trial in the States far exceeds, as my experience leads me to judge, that of a crown officer in Canada. There, the office speaks; here for the most part it is the personality of the officer. There he is semi-judicial, in very truth; here, practically he is not.

Q. Unless you advise the attorney-general that such a case should not be prosecuted? You have an immense deal of influence before the grand jury? A. I have heard that asserted, but it is not the law.

Q. But it is the practice in some of these places? A. But that is vicious.

Q. Certainly it is. A. On the contrary, in my own experience the only influence I have had has been where I knew that the evidence for the crown would not sustain a conviction; I have at times been partially instrumental in securing a "no bill."

Q. You feel strongly, but take the system as a whole, the evidence so far as we have gone preponderates very largely in favor of the county attorneys and the clerks of the peace being paid salaries? A. All I can say, your lordship, is that I stand by my opinion. In my judgment the system would be pregnant with evil to the public. The duties of the office would cease to be, to the same extent as at present, efficiently discharged, and it is not in my judgment an answer to say that under official inspection stern duty would still prevail.

Q. Would it be a relief to you to be paid by salary? A. Yes; it most certainly would, but man does not live by bread alone. I wish to be paid what I earn, and I am a believer in the doctrine that where a fee follows work done, the work will be done; if the fee, in shape of salary, can be had in any event, the least possible work will be done, and it will be done in a half hearted way. Giving a public prosecutor a salary is giving a premium to the criminal. It is so much more palatable to a county attorney to pose as a merciful and humane public official, when by a sterner sense of duty, the result in income to himself would be precisely the same. A salary, at all events, would be a temptation to a crown attorney to regard crime, apart from the higher offences, as a trivial matter. It would foster indolence, and secure incense from questionable quarters. Personally, I care not a fig whether paid by salary or fees, so far as the income to myself is concerned, but I would sorely regret if to my office was attached the incident of being a salaried public servant, subject to the criticism, well or ill founded, of every ratepayer in the county. I see absolutely nothing to recommend salary instead of fees, in the best interests of the public, but much the other way about; nevertheless I am convinced that 95 per cent. of the county attorneys would prefer salary to fees. If your commission has found it so, is not that a significant hint to those who contend that salary is, or would be, more economical than fees?

Q. In the case of clerk of the peace you would not mind a salary? A. No; that would not trouble me. There the duties are determined. You know what the work is to be before it is done, but as public prosecutor I, speaking for myself, wish to be paid what I earn, nothing more and nothing less.

Q. Why should not the county attorney be put on this footing, and have them do all the prosecuting of crime, not in their own county but by changing? Why should not the county attorneys have the criminal business to do, by exchanging, and not by special counsel brought in. That would justify a better scale of remuneration? A. That is rather a delicate matter to express an opinion upon by me. Some criminals would be glad to see such a rule adopted.

Q. Those very men, county attorneys, prosecute in the very gravest cases before the judge and before the quarter sessions? A. Yes; some of them do. But it seems to me unreasonable to expect that crown attorneys in small county towns, where by the statistics, crime is comparatively latent, should have the criminal law at their finger points, equally well with others located in large cities where every phase of crime is tried almost daily, and where criminals are defended by the ablest men at the bar.

The police magistrates' courts are in a sense higher courts judicially, than either the sessions or the assizes. A police magistrate may, if he sees fit, and he usually does see fit, advise a private prosecutor how to lay his information; listen

to the private prosecutor's story as to the guilt of the person to be charged, and then sit in judgment upon the accused, personally examine or cross-examine the witnesses, and finally find a verdict and pass sentence for a term of years, and all without the intervention of any gentlemen learned in the law, either for the prisoner or for the crown. No county judge will try a person accused unless the prosecution is conducted by a crown officer; neither will a judge of assize, and before either, a person accused is often assigned counsel, by the court. Not so before a police magistrate. He is judge, jury, and oftentimes prosecutor, to the extent of sifting evidence by oral examination of witnesses, in one. Moreover, in most cases he is thoroughly informed of all the evidence on one side, against the prisoner, before the trial before him begins.

The CHANCELLOR: Q. I am afraid we cannot enter into that. It is not referred to us. A. It merely occurred to me as cognate to the question of fees and salary. If, for example, a police magistrate were limited to the procedure which the law insists upon in a trial before county judge or judge of assize, at least in all prosecutions involving a possible sentence of more than three months in the common gaol, the duties of many county attorneys would be considerably increased. Probably the commissioners will agree with me that no man should be deprived of his liberty for a term of years, at the will of a tribunal, consisting of a magistrate and policemen, with no one representing the crown as prosecutor, and protector of the accused as well, which every crown officer ought to be, in short, without the presence and active intervention of someone learned in the law, besides the magistrate. If you so conclude then, as an incident, you will be driven to consider crown attorneys, not as a class, but with reference to their jurisdiction and the criminal statistics of their territory.

PETER LARMONTH, Ottawa, appeared before the Commissioners and was interrogated as follows:

The CHANCELLOR: Are you in any office now? A. Yes, sir; I am an accountant in Ottawa. I am in no municipal office.

Q. You have been in Ottawa how long? A. I have been in Ottawa for 21 years.

Q. Has your attention been called to this burning question of appointing officials, and paying them? A No, sir.

Q. Have you had any experience with any of these offices? A. I have a good deal of experience with them. In fact, with the whole of them. But, my experience with them is altogether through my solicitor. I have really no opinion personally to give on this matter. All that I have done with these offices has been done through my solicitor, even with the registry office. It is only the first question I would give an opinion on at all. That is, as to whether I would approve of the appointment of these officials being in the hands of the Government. I would say yes, most decidedly, leave things as they are. As far as the other questions are concerned, I really cannot give an opinion upon it.

Mr. ROBINSON: From your experience would you be opposed to a popular vote? A. Yes, sir.

T. H. MACPHERSON, Hamilton, appeared before the Commissioners and was interrogated as follows:

The CHANCELLOR: Q. You are ex-president of the Board of Trade here? A. Yes.

Q. And have you had any municipal experience in the council? A. No.

Q. Then, having that list of officers before you, would you express any opinion as to the way they should be appointed or elected? A. Not being a lawyer I am not able to go into the thing very thoroughly. I have just taken a general look at the questions, and have come to the conclusion, after looking at the matter in every way, that nearly all the appointments referred to here, should be in the hands of the Government. I certainly think that the registrar of deeds, and the Division Court clerks and bailiffs and county attorneys, should be appointed by the Government. The local deputy registrars and others, might be appointed by the Superior Court judges, or a committee might be appointed by the Superior Court judges, to elect these men and choose them. But, it is just a question whether it would be advisable to have two authorities appointing people in that way. On the whole, I think the way in which it is done now is the best for the country.

Q. Then, that would cover all the officers generally. You would approve generally of the present system? You do not see any reason for making a change? A. No. I do not approve at all of the American system of election or appointment by councils. I do not approve of the municipalities having anything to do with these officers.

Q. Now as to the manner of payment? A. My opinion is somewhat like this, that most of these officers should have a minimum salary, and then according to the work they did, if the fees exceeded that minimum, they ought to get a proportion of them.

Q. That is somewhat the present system. They start with $1,500 for their own use, and then they pay percentages on what they receive over them. A. I think that is quite a good system.

Q. Would you have a maximum, as well as a minimum? A. No; my idea was to have a minimum.

Q. And the other would be regulated by the amount of work they did? A. Yes. Of course, if they had more work than they individually could do themselves, they would get so much remuneration, and they could afford to pay for it.

Q. That applies generally to these officers, the whole of them? A, Yes; the whole of them, I think.

Q. About the assistants; if they require assistants, would you leave that in their own hands? A. I do not see how you can do anything else. If you were to interfere in that way, you would have to make all the appointments, practically.

Q. That would be putting it on a business footing? A. Yes. Of course, I suppose sometimes a registrar gets assistance and pays too little for it, but I do not see how you can step in and interfere in such a case.

Q. Most of these registrars have permanent officers or deputies, and they get special assistance for copying; they get in women and girls, paying them by the piece? A. Yes.

Q. I suppose there is no better way of doing it? A. I do not think I can suggest any other way of doing it. You took up the question of license commissioners. I think the present system is very pernicious, of the Government appointing them. That is the only case I take exception to.

Q. Wherein does your observation lead you to come to that conclusion? A. Nearly always the political friends of the Government are appointed, men who exercise sometimes their influence injuriously. I think that has been the case.

Q. In giving or withholding licenses? A. Yes. In giving licenses to men who are supporters of the Government.

Q. What remedy would you suggest? A. I have thought over it, and in my opinion the license commissioners should be—the county judge and police magistrate, and a third independent citizen as free from political bias as possible, chosen by them.

Mr. ROBINSON: You would not have anyone who was subject to the popular vote himself? A. No. That is the reason I would be opposed to the mayor.

Q. That would only hold good so far as cities were concerned? In the rural districts there are no police magistrates. A. I am speaking more particularly of cities, and more from my experience in Hamilton.

Q. Then you would be decidedly of opinion that it would be wise to withhold the nomination of a license commissioner from any person who is elected? A. Yes. I would like that those who appoint the license commissioners or control the licenses, should be entirely independent.

Q. The governor and council of the state, appoint, in the city of Boston, a board, entirely non-political; politics kept out of it. They get men of the highest standing. If that were done fairly would that commend itself to you? A. Yes. I think it would be difficult to get one that was entirely non-political. I think it is almost impossible, or at least very hard to do it.

Q. Of course the liquor question is one that both Governments are interested in, both the Dominion and the Province. It might be right enough to have the county judge, who is representing the Dominion, make one selection, and the police magistrate another. Is there any other matter you desire to speak of? A. Nothing else that I can think of. I just took a general view of the questions, and I may say, I disapprove entirely of the American system.

Q. Have you witnessed its operation at all? A. No; I have never lived in the States. It seems reasonable that appointments made with elections every few years, are not likely to benefit the people.

JOHN GEORGE BOURINOT, C.M.G., LL.D, D.C.L., Clerk of the House of Commons, Ottawa, appeared before the Commissioners and was interrogated as follows:

Since I received the circular last week, I thought perhaps I might best meet the wishes of the Commission by writing down what answers I had to make to the questions generally, and by stating those principles my long study of institutions has led me to adopt. Therefore, with your permission Mr. Chancellor, I will read the notes I have made, and, of course, I will then answer any questions the Commission may think it necessary to ask.

APPOINTMENTS TO PROVINCIAL OFFICES.

Answers to Certain Questions put by a Commission Appointed by the Ontario Government.

Since receiving the series of questions on the subject of the appointment and payment of the provincial officials, named in the circular, I have given the subject as much consideration as is possible within the limited time at my disposal. I can speak only generally on the subject as one who for probably thirty years has endeavoured to study the origin, development, and operation of our public or political institutions, Dominion and Provincial, always as far as possible from a practical point of view. The most important question before me is clearly the best mode of appointing the provincial officials under consideration. By the best mode I mean the best means of giving the public an efficient and independent class of officials, and I dwell on the necessity of independence from all popular or political caprice. Under the Canadian system of government, as compared with that of our American neighbors, with whom I must necessarily make comparison in the course of this answer, while the Canadian people send for legislative and municipal purposes representatives to the legislatures and municipal councils—the latter being themselves *quasi* legislative bodies within the limits of their legal powers—Canadian officials, from the judiciary down to the humblest legal or administrative or executive officer, are appointed, as a rule, by some recognized and constituted authority by the Government or by the municipality, and are not elected by popular vote. The heads of councils, it is true, under the Ontario municipal law, are directly elected by the people of a district, except in the case of a warden; and it is a question in my mind whether it would not be preferable to have a mayor of a city elected by the council after some experience in that body, and for a longer term than one year, in order to ensure a more effective administration of municipal affairs than exist in our cities at present. But this is apart from the subject immediately before me. In respect to public offices generally throughout the province, Canada adheres to the system of England, in contradistinction to that of the United States, where a pure democracy—I mean by democracy a form of government—prevails with all its dangers to pure and sound government, general, state and local. In the United States the system of electing public officers by a popular vote at the polls, obtains even in the case of the judiciary in the several States, with the exception of a very few where the judges are appointed by the governor, subject however to confirmation by the legislature or by the council, or by one house, and of four or five others where they are elected by the legislature. All public officials in the States, who represent the same classes mentioned in the circular before me, are elected as a rule by popular vote for terms of two or three years. In many of these States the officers in question, sheriffs, registrars, county clerks, court clerks and others, have heretofore received and disposed of the fees paid into their respective offices. In some cases these fees are enormous. In New York and Philadelphia, for instance, some four or five officials have received an annual income of between $40,000 and $50,000 a year each. The control of these officers has been the great object of political parties in all civil and State contests among our neighbors, since they enable the political "bosses" or manipulators of elections, to draw largely from these funds for political purposes. It is not going too far to say that the machinery of party, so perfect in its details among our neighbors, has been largely developed by and dependent upon the control of such important offices as shrievalties, registrarships, and county clerkships. Even the judiciary has been brought into the contest and forced to contribute to political funds as a necessary

sequence of the popular elections of all classes of public officials. Of late years wise and honest men, laying aside all considerations of party, have endeavored to stem this current of popular government which has led the State and municipal authorities into an amazing slough of intrigue and corruption, and a decided change took place for the better for a few years in the administration of public affairs since the day Tweed and his ring controlled the affairs not only of the city, but even of the State of New York But, latterly Tammany Hall has been uppermost and now we have only to refer to the recent revelations connected with the police of New York to see the consequences of a system, managed by the political machine.

Now, we, in Canada, by adhering to our system of appointment to public office by the Crown, or by municipalities and other regularly constituted authorities, have largely been able to avoid the evils which, in my opinion based on the study of contemporary institutions, are necessarily the corollaries of the unlimited extension of the elective system. If this system were extended to all classes of public officials, including those named in the list, then the responsibility that now rests upon the Crown through its advisers or upon municipal councils in the care of wardens, clerks, and treasurers, and other municipal officers, would be taken away, and in its place we would have a system in which responsibility is frittered away among the people, and an opportunity is given for the gradual extension of rings, bosses, and cliques, for the "control of patronage," as in the States of the federal republic. The bad measures or bad appointments of a minister of the Crown may be checked by the Legislature ; the interests of ministers in defending, and of rival partisans in attacking, secure a tolerably equal discussion from which the people may profit, but in case of a public election of officials *quis custodiet custodes* ? Who shall check the people ? A minister, or head of an office, feels himself under some responsibility, but the people would be free from all. The public at large is not in a position to judge of the special qualifications of a man for an office, but a minister has at least an opportunity of enquiring into their qualifications and deciding conscientiously. Popular election means eventually the triumph of the political machine in every village, town and county. We would, in the course of time, and very soon perhaps, have primaries and conventions of political parties called together for the express purpose of nominating candidates for office ; and the bitterness and strife, already sufficiently prevalent under our system of party government, would be intensified by stimulating the greed and small ambition and utter selfishness of "ward politicians," and by creating a class to live entirely on politics. It would not be long before the system of assessments for political purposes would be encouraged. Then the political manager could best find his advantage in a system of fees. We have not as yet in this county any offices that can compare in amount of fees received with those in the large cities and states of the American republic, but as our cities and counties become more populous, and wealth is more generally diffused, the receipts of fees in certain offices must increase, and become very great. Should our Legislature, in a moment of weakness, allow the system of popular election of provincial and municipal officers to become general, the result under a fee system would be eventually conducive to public immorality and corruption in the worst form. In all cases, in my judgment, public officials should receive a salary fixed by law, and all fees should, as soon as received by them, be paid into the government bank to the credit of the consolidated fund. Such salaries should be fixed according to the responsibilities attached to the office, and to the amount of fees derived from the office. Let all deputies or clerks required by certain officers have a fixed salary adequate for the performance of all duties of the office and their salaries should be paid by government.

The system throughout the province should be uniform, and just to all classes of officers. The salaries of sheriffs and registrars and others should be graded according to the amount and importance of the duties. A sheriff of a city like Toronto or Hamilton or Ottawa, should receive compensation adequate to his great responsibility and service, and not be placed on the same footing as a similar office in a county or district where the duties and responsibilities are relatively small. Men should be paid not extravagant salaries but at least enough to keep up a respectable position in the eyes of the public they serve. A sheriff, for instance, is an office of dignity—one very formidable certainly in the eyes of the populace; and it would be hardly just to him or conducive to the interests or dignity of justice if his salary should be any less than $4,000 a year in cities, and from $2,000 to $1,600 in counties as a rule. In regard to office generally, I may say that permanence or stability lies at the foundation of all efficient public service. When a public officer has a positive guarantee that he is not to be discharged during good behavior and that his salary is fixed on a proper basis and is not liable to fluctuations of popular or political will, the chances are as a rule that he will be a useful, efficient, and honest officer during his lifetime. On the other hand, elect him by popular vote, and he will think more of making himself popular with the political managers than of the state generally. Popular election means frequent elections. You may pass a statute giving a fixed tenure to offices, but it will soon disappear under a popular demand for biennial and triennial elections, as among our neighbors. Once break down the barriers that are now imposed by our present restrictive system, and I believe the results will not be favorable to the continuation of an honest and efficient public service, such as we have now to a large degree in the Province of Ontario and in the Dominion. Nor would I transfer the appointment of any of our sheriffs or registrars or other so-called county officers to even the municipal councils. I think if we review the history of this country for the past twenty years, we shall find that there have been more cases of indiscretion, defalcation and improper conduct among officials appointed by municipal councils than has been the case with officials appointed by the Crown and its advisers in Ontario. A government acting on a large arena, subject to the sharp scrutiny of a legislative body, exposed to the criticism of the press of a whole province, which must have the signature of the head of the executive to any appointment—for I am not one of those who believe the Lieutenant-Governor is a mere recording officer or a cypher—I say, a government, acting under all these restraints, is likely, in the majority of cases, to make a better appointment than any municipal council of Ontario, which acts within a limited range of discussion and responsibility. A government must look to a whole province for support, and in the case of conflicting claims for office, must act cautiously. It would not be well to increase the patronage at the disposal of a council, for the result would be sooner or later to draw the bodies into the arena of provincial politics. It would be an unfortunate thing for the province, whose rural municipalities are on the whole well administered—I do not say as much for the cities—were politics to enter into municipal affairs. It is true, patronage under our system is to a large extent controlled by the member of the electoral district where the office exists, but a member of parliament has also his ambitions and interests to serve, and his recommendation in the majority of cases is fortified by substantial reasons. It is after all on the government the responsibility rests, and if they fail in their duty they will encounter a hostile public opinion which must operate against them sooner or later. At all events, as things are now, we have the responsibility resting on the highest authorities and not frittered away in a popular election or lessened by throwing it upon a mere county corporation. Of course the system is not an ideal one—

indeed under our system of party government, ideals are only frequently urged by an opposition who, in power, too often forget them. In the consideration of questions like these before me, the object should be to make the best of existing conditions, and not to change them for a system which the political history of the continent tells us is fraught with dangers to the whole body politic.

I may here add, however, that in the case of all appointments made by the Government, it would be as well if they laid on the table of the House at the beginning of a session all recommendations to any public office filled during the recess or prorogation. In this way the public might have the fullest knowledge of the information on which they act in every case. Whilst I am not for one prepared to hand over to municipal councils, or to popular election, the offices now appointed by the Crown, I see some advantages in taking away from the Government the patronage of such relatively unimportant offices as Division Court clerks and bailiffs which might well rest with the county judges. It seems to me indeed worthy of some consideration whether it would not be well to require the endorsation of judges to any recommendation to such offices as clerks of the crown, surrogate clerks and registrars, clerks of the County Court, local and deputy registrars of the High Court of Justice; but this is not a question on which I presume to speak with authority, and I only offer it as a thought that occurs to me as probably in the interest of bringing a judicial judgment to bear on the filling of offices immediately connected with the administration of justice. Indeed, it might be urged that such appointments could well rest with the High Court of Justice and the county judges; and the influence of political parties to that extent minimized in the distribution of patronage. But I do not press this as a positive opinion of my own, based on sufficient knowledge of the working of the courts, or from any facts that go to prove to me that the present system of appointments to such offices has been directly or indirectly to the clogging or injury of the administration of justice. I may also here say what I forgot to state elsewhere that all clerks and subordinates in the offices of sheriff, registrar and public officials, who require their services, should be chosen on the responsibility of the head under whom they serve. Such a choice would best ensure competent service; I do not suppose that even the most unthinking advocate of popular election would apply his system to such servants.

What I have endeavored to press in this answer to the queries submitted to me are the following conclusions which are entirely my own, not derived from the study of the opinions of other gentlemen who have already appeared before the Commission, and whose opinions I am quite sure must have greater weight than my own, but which I have refrained from reading simply for the reason that I have thought I should lay before this body my own unbiased judgment whether it be right or wrong.

My conclusions then are briefly these:

1. That the present system of appointment to provincial offices by the Crown, despite its defects, arising mainly from party pressure, seems on the whole the best calculated to give the country an efficient and permanent public service.

2. That to change a system of responsibility, resting upon the executive for every appointment, for irresponsible methods of popular election would be subversive of those principles of government which we have so wisely adopted, and give us in return the purely democratic system of our American neighbors, with its frequent elections, its intrigue and corruption, and its weakening of the whole public service.

3. That municipal councils should be kept within the strict limits of their local powers, and not exposed to that danger of political intrigue which might arise from enlarging their sphere of appointments.

4. That a uniform system of paying all salaries by the Government at a fixed rate, graded according to the importance and responsibility of the office, would conduce to the public advantage, by placing all officials on a basis of equality, by preventing public misconception that now constantly arises as to the salaries of certain public officials, and by eventually, if not immediately, increasing the public revenues by the addition of fees which must naturally increase with the growth of the country in wealth and population.

5. That the efficiency of a public servant must be enhanced by conditions of permanence of tenure and fixity of salary; that such essential conditions would be certainly jeopardized by electing at the polls those public officers, who are not purely local or municipal in their character, and in that way removing them from the control of the Executive Government who are responsible to the Legislature and the people of the whole province, and more likely on this account to come to a sound conclusion on such matters.

The CHANCELLOR: Q. You have given much consideration to the first great matter of inquiry, as you point out, the question of appointment. That is the main question. The question of fees is of course subsidiary? A. Yes.

Q. Do you recognize, then, the importance of observing a line of demarcation between State officers or provincial officers, and municipal officers? The line should be clearly drawn between what is municipal and what is state? A. As far as practicable.

Q. Do you recognize that any of these officials can be properly called municipal officials; registrars of deeds, local masters, sheriffs, Division Court clerks and bailiffs, are they of local significance? A. They are in a limited sense of local significance, but they are also much more than local. They involve considerations connected with the administration of justice.

Q. It is the local application of provincial matters that they attend to, they are local officers, but in respect to state matters? A. Yes; I confine municipal councils to their clearly defined local powers. I would not go beyond that. They have plenty to attend to if they are confined within their proper responsibilities.

Q. There has been, historically, a separation of the municipal from the state functions? A. Yes; assuredly.

Q. Perhaps, here, to a greater perfection than in any other country in the world? A. Our system, I think, is admirable on the whole. The only defect being that it is difficult sometimes to find men ready to take their part in municipal affairs, especially in the cities. That, of course, cannot be avoided, so far as our experience in Canada has gone.

Q. The effect of this change would be to draw away state functions and give them to municipalities? A. Most decidedly. To that I am decidedly opposed.

Q. That is putting, in a small compass, the main point of your argument? A. Yes.

Q. Then, as to the clerks of the court, you have indicated Division Court clerks and bailiffs and some of the other clerks; do you consider this matter is an element of importance? In England, where the judges have very largely the patronage of appointing the officers of court, it is the National Government that appoints the judges. Here, the judges are appointed by the Federal Government, and these clerkships are provincial offices. It would be, perhaps, some may say, a great political abnegation on the part of the province to turn over the filling of

those offices to Dominion judges. Supposing the judges were to fill the offices of the court, it would be the province giving away part of its patronage to a Dominion officer? A. I can hardly assume you, Mr. Chancellor, give this as your own opinion very seriously. I do not consider the judge at all a Dominion officer, acting in Dominion interests simply.

Q. It is the appointment? A. It is the mere fact of an appointment, and there is, besides, advantage in that, because it takes it to a still larger sphere.

Q. In olden times the Division Court clerks and bailiffs were appointed by the judges, it was removed from them and a great many of the judges quite approve of the present system; they say it removes from them disagreeable work, and the present appointments are good, the system of inspection is good, and they think as the system works so well there is no reason for a change? A. You will notice I have not pressed any opinion of my own, because I have not given sufficient study to that branch. I had no facts to guide me on this point; but of course I frankly say that in all offices from the highest to those of the humblest character connected with the administration of justice, I have so much confidence in the judges of this country, that I would willingly entrust them with all the powers and responsibilities that could possibly be placed upon them. But one objection which I forgot to write, and which has just occurred to me, is the fact that I do not quite see my way clear, or do not wish to bring the judges directly or indirectly into any trouble or complication that would arise from the filling of offices.

Q. Do you not think it is better to keep the judges free? A. Yes; I simply threw out a suggestion which I have heard. I may state this, however, that when it was a question whether the judges should be intrusted with the trial or controverted elections, some such argument as that in question was used with considerable force. Experience has shown that none of those difficulties whatever have arisen. Judges have not been drawn at all into the vortex of party politics. No charge, directly or indirectly, has been brought against them in connection with the discharge of these onerous and delicate duties.

Q. The results are better than under the old system of Parliamentary trials? A. I do not suppose that can be at all doubted.

Q. Then, considering some of the objections against remitting this matter to the judges, do you think, in the case of Division Court clerks and bailiffs, which is, of course, a limited territory, the system of a popular election could be employed for those officers with effect? A. Oh, not at all. Under no circumstances can I agree to the doctrine of popular election, and especially in any case affecting the administration of justice or executive officers of any sort.

Q. Take the case of the old New England townships where they elected their officers; the great virtue of that system was, there being a limited constituency, the people were able to judge of the best men? A. But that is utterly impossible, under existing conditions, where you have a large population.

Q. Taking a territory, say of 400 voters, I suppose that with that number you could have very good results if they elected the officials? A. Yes; if it were not for the dangers. There is a tendency to bring up party politics into the consideration of every question. In those days of New England, to which you refer, there were no party politics or party machine in the modern sense. There were no Democrats or Republicans in the days of old town government. Things

were entirely different. Cliques and coteries—even the machine rules in the towns of New England at present, though its evils are most manifest in cities and large communities.

Q. Another question is, whether it would be worth while to change the present system with regard to a small fraction of the offices, such as Division Court clerks and bailiffs, the expense, the trouble and the machinery requisite for the small election, would far more than outweigh any advantages, because you would have to be prepared for contested elections for instance. The salary of any of these bailiffs and clerks is within $100? A. My own opinion is clear, I believe in the present system as it is. I simply threw out a suggestion, whether there is anything in it or not. It occurred to me while making my notes. Thinking of the questions you have put and of the doubts you have raised in my mind, I prefer to adhere entirely to the present system of appointment by the crown in regard to all state officers.

Q. Our function here, very much, is to report upon the changes proposed by way of election or appointment by the councils; we are not asked to report upon what might be a better system, although the suggestion is a proper one to lay before the House? A. One of the questions is, "Have you any suggestions to make?"

Q. Then, on this other question that you touched, that one of the difficulties of the present system, and one of the complaints, indeed, we have heard is, that people say where a man runs for Parliament, and is beaten, he has the patronage of the county in his hands, the Government listens to him, and makes appointments on his recommendation. Do you see any practical way of overcoming that? A. I think not. Of all evils, we must choose the least, and this is the least. After all, the responsibility, as I have urged, rests on the executive.

Q. What do you think of this suggestion; do you think it would be feasible, suppose the county council were to nominate persons, suitable in their opinion, for a given office, and submit that to the Government, with power to the Government to choose or reject? Do you think that good nominations would be made, or do you think a dead-lock would probably arise? A. You would sooner or later bring in party politics. The political managers would be constantly lobbying the councils, and all that sort of thing. Better bring the matter to Toronto or to Ottawa, or wherever it may be, where there is a large field of discussion and scrutiny and where the people cannot do that thing openly. They would do it openly in connection with councils. Keep them away from all tendency to political conflict. Let our municipal councils work entirely within their well defined sphere. We have a good system now. Do not spoil it.

Q. I put that question to Judge Cooley, and he answered in the same way. A. I am very glad to hear it. I try to follow him wherever I can. I think he is a very safe guide in all constitutional and political questions; I mean political in the large sense. In fact, I try to follow the judges wherever I can; it is much safer in this country of sharp party controversy.

Q. Then, as to the salaries. You have not dilated so much upon that, possibly because you have not given so much attention to it. You have spoken of fees being all funded, broadly speaking, and salaries paid out of them. Take the case of registrars of deeds, for instance, would you advocate a system of this kind, that the fees should be merely self-supporting, that there should be no revenue derived from it for the Government? Services are rendered for the

proprietors of the land, they pay for the service, the office ought to be supported. A. I believe in paying all fees into the consolidated fund, and paying the men directly.

Q. Do you think there should be a surplus of fees derived by the Government from that source? A. Up to a certain amount. That is already provided for in the statutes now, if I remember right. They say a registrar is to get a certain salary, when he receives a certain amount of fees, and then beyond that he gets a percentage.

Q. He starts with $1,500 for his own use, he accounts for all the rest, and pays over a certain percentage to the Government. You do not favor that plan so much as paying everything? A. Paying everything down. We do that ourselves in the House of Commons. People do not know that my department is a revenue department. Take private bill fees, which amount to a large sum every year, in the aggregate. We used to pay officers a portion of their salaries out of that fund. We have stopped that. I frankly say, without going into the question, it led to abuses.

Q. The registrar of deeds gets a surplus of fees. More is derived from the office than is required. Would you favor, in the case of registrars of deeds, all the fees being lowered, paying all the expenses, and so on? A. So far as my memory serves me, I think the fees are low now. I have heard or read of no complaint on that score.

Q. Do you favor a system which obtains in some of the States, the most conspicuous example is perhaps California, where they have carried it to excess, I think, but they have graded all their counties. I think there are 48 divisions, or counties, graded on population, proceeding by the thousand, twenty thousand, twenty-five thousand, and so on up, and salaries graded on the footing of population. Would you favor that? A. I have stated that, to a certain extent, I should grade them according to their responsibility, and I would also take the population into account. Of course, that would involve more or less responsibility.

Q. In such a case, if you were grading, would you make any distinction with regard to the cities as compared with the country parts? A. I think so. They will probably have more work, and the expense of help would be greater. For instance, take the city of Ottawa, it is an exceedingly expensive city to live in. I would rather live in Washington than here. It would be most unfair to give a man, who lives here, the same salary as if he lived in Guelph, or some place like Oakville

Q. Then your plan would involve the putting of everything into plain figures, so that the salaries of all the officers could be seen by everybody? A. Then everybody would know where an official stands. Then we would not have discussions that we sometimes have in legislative bodies, where no one seems to be always very correct. The present system creates a suspicion. I know, from my experience in the House of Commons, that people from rural districts come and talk about salaries being high, and there is a good deal of misconception on the subject. People living in rural municipalities do not know what positions men in cities have to sustain, even however economical they may be; certainly under the fee system there is a wide misconception, and I think while it lasts it must make many public officers uncomfortable. There will be an end to questions being asked while the present system remains unchanged.

Q. Would you have those salaries based upon the returns, say for four or five years preceding? A. I think so.

Q. Then, it has been said that where there has been a commutation on that system, in Ontario, there is a decrease of revenue afterwards on the fees collected. It is said the officials are not so diligent in making collections, and they do not get so much in returns? A. That would mean that perhaps under the fee system they would be too vigilant. I suppose those things will occur. I would not put that against the value of what I would consider the sound principle.

Q. Would you think this would be a check, say that the salaries should be adjusted every five years with regard to the fees collected? A. I see wisdom in that suggestion.

Q. And then, of course, the officer would be astute in doing his duty? A. Yes.

Q. There would be a check, and the Government would be saved also? A. Yes.

Q. That is, assuming the salary system obtained? A. Yes.

Q. It is said that that is accomplished by the present system of having the fees collected paid over, the officer receiving an amount and accounting for the rest; that he, getting a percentage on the surplus over, makes him vigilant, and at the same time gives him remuneration for his extra work? A. All I have to say is, then it becomes a question of appointing proper men to public offices. If you have men who are not vigilant, they should not be there.

Q. Your plan would be systematic, and would give a statement that everybody would understand? A. We must look at general results, and not special cases. The officers in the country would know what salary to expect. There would be no running about and collecting, and allowing fees to go into arrears as they do now, and all that sort of thing. The debt collector would have less to do, probably.

Q. I think in the States they are charged with all the fees, whether they are collected or not? A. Yes.

Q. You have compared the elective system, as it obtains in the States, with what it would probably be here. The advocates of this system, some of them have said, that the whole difficulty in the States arises from the short terms; that if the elections were for life, or during good behavior, they would get the benefit of the elective system, and do away with all the evils? A. It simply means, if you once throw down one barrier, you throw down all the barriers eventually. We hear now a clamor from men who have not sufficiently studied these questions, that there should be popular election. It means that, after a year or two, these men would clamor again, just before a general election, and the clamor would be for throwing down all the barriers, and then there would come biennial and triennial elections. All the principles of sound political science are against popular elections. It is not the English or Canadian, our principle. Our constitution allows the people to elect their representatives to parliament, but these representatives do not elect the Government directly. We have adopted a system of check upon the popular will; and so have they in the United States, but our system is preferable to theirs, because their checks are in the hands of the executive; the President of the United States, or the governor of a state,

who is elected for two or three years. With us it is the Legislature that is a check on popular caprice or passion; but sooner or later, when the proper time or the necessity arises, the people pass upon the Legislature itself. But the system suggested would be quite unchecked; it means democratic republicanism. The Legislature, eventually, would become a relatively insignificant body, as it has already in many of the states of the Union, a body having tendencies to corruption and intrigue.

Q. You disintegrate the executive power at once, and weaken it, therefore? A. Yes; assuredly.

Q. And get a less efficient service? A. Undoubtedly. I have never seen an argument yet that commended itself to my own judgment, in favor of such a system at all. It is the tendency in this country, as in some other countries, too, for a certain class of politicians to think they can rise for the moment on a popular wave by advocating such experiments, but these things always disappear. For instance, in the United States, the populists are disappearing before the sound judgment of the people. The only thing that has kept the system of Government together in the United States is that they are largely an English people, influenced by English principles. It is because they have the instincts of English justice and English law. That is the reason they rise above all their democracy at times. It would be the same with us were we so foolish as to adopt republican institutions.

Mr. Robinson: Q. You have not lived in the States and seen these elections? A. I have not lived in the States, but I have been going there for forty years, a great deal. I have given as much study to their institutions, perhaps, as I have to our own. I have been present at some of their conventions and elections, and, I must say that they are wonderful exhibitions of coolness and judgment as far as the way they are conducted is concerned. The evils of the system do not appear on the surface.

Q. Is their present system of election and appointment condemned by their ablest men? A. Undoubtedly. There is a great effort to get rid of it, everywhere; civil service reform is the question of the day. The party machine that has got the grip in so many States is hard to crush. We see in the city of New York, for instance, on one side Platt, and on the other Tammany.

Q. County councils have lately been established in the Old Country, have they given to their county councils, speaking particularly of the county council in London, greater power than they have in Canada? A. I cannot speak of that. I think the English would be against such a course, and certainly against popular election of ministerial or executive officials as advocated by a very few people in this country. Better not swop horses in crossing a stream, while we are founding our institutions.

Q In England they have extended the franchise greatly? A. Yes; but not to the degree we have in Ontario. They have not got manhood suffrage. Not that I am prepared to say anything against manhood suffrage, under existing conditions. We are at present very fortunately situated in this country. We have a large, stable, and worthy population, but the time is coming when we are going to have a large surplus population from Europe, and our difficulties will increase. We see the difficulties already cropping up in our system of municipal elections, and you would aggravate the evil. I have no hesitation in saying the change proposed would bring us to the level of the United States. Probably by the time they got rid of many of the evils that now afflict them, we would

adopt them. We have a tendency that way already. Some years ago we had not the convention or the caucus system. We now have it almost to perfection. Popular elections of administrative or judicial officers would introduce the American system and its methods in all their completeness.

Q. And that principle is extended to the judges in the States? A. Yes; notoriously. Not long since, I was looking over Dr. Bryce's book, and I saw a statement of the contributions from different officials. The county clerks contribute $50,000, and one of the judges' contribution was $20,000.

Q. And unless he would submit to that, he would not get the nomination? A. Certainly not. Even under legitimate conditions he had to pay the expenses of the election, at which he was a candidate. We would eventually have the assessment system forced upon all our sheriffs, registrars, and other officers; they would have to pay the expenses of their elections in some shape or other, whatever the law might be.

Q. And in some of our colonies, do not the judges nominate the sheriffs, and that nomination is submitted to the Government? A. That was the case in Nova Scotia and in the old thirteen colonies, I think, and even in some of the States after their independence. It was an old English practice. I think there were three names submitted to the governor, and he picked the first generally. I am speaking only from a faint recollection of the practice, I have not thought of it for years.

Mr. MASON: Q. With regard to the surplus of the fees, you are in favor of it being paid over, in fact, of all the fees being paid over directly to the Government? A. I am in favor of putting, every day, the fees into the bank, the same as we do, in my department, for instance. That is, where it is practicable. Some places you might not have a bank.

Q. According to your idea, there should be a fixed salary? A. Yes; and it should be totally independent of fees. The Government should pay a fixed salary to every man and to his deputy or subordinates.

Q. And if there was any surplus, the Government to retain it? A. Yes.

Q. That would not be practicable, if each municipality took over the fees day by day, and a fixed salary were paid? A. I don't quite understand you.

Q. If the municipality should take the place of the Gouernment? A. I do not approve of that at all. I say that these are more correctly provincial officers, not local in the municipal sense.

Q. You know there is a great contention on the part of municipalities, especially county councils, that the surplus of these fees, especially those, we will say of registrar, should go into the local fund, rather than into the provincial fund? A. The law provides for that now, in a measure.

Q. The law provides that it should go back to the municipality? A. Yes.

Q. But according to your plan, it would not? A. No. I would pay all fees immediately into the consolidated fund. I do not consider any of these officers municipal officers, not even registrars.

Q. I suppose the greater part of the work done in the registry office would be for the people in the particular locality? A. Yes; looking at it in that way.

Q. And if that is the case, and if they pay more than necessary, to support the office, from one standpoint, it would seem just that that should go back to the people who pay too much, if possible. That is impracticable, because you cannot divide up so many cents apiece to each man who has had work done, but you could reach them to a certain extent by giving it back to the municipality in which they lived? A. That may be. That is a consideration worthy of attention.

Q. But under your plan, that could not be done? A. Why not.

Q. Because you say it should all go to the Government. A. Every dollar received every month, is checked and credited to that municipality, and then, why not hand over the surplus, if you think it necessary?

Q. That is a point you did not touch. You left it, apparently, in the hands of the Provincial Government. A. I was only dealing with general principles, and not with details. I do not see any possible objection to your suggestion.

The CHANCELLOR: Keep the funds separate? A. Yes.

Q. Then you could deal with any surplus according to equity? A. Yes.

Mr. MASON: Take the county of Wentworth; assume that the receipts left a surplus of $5,000 at the end of the year in the provincial treasury, and in the county of Haldimand, next to us, their surplus was only $100; well, if both the $5,000 and $100 were retained by the Provincial Government, one county apparently would be contributing far more than they should, to the general funds of the country, without getting any return at all from it. But, if there were some plan following out your line of paying back to the county of Wentworth a certain portion of that $5,000 surplus, why then it would seem to me that it would be reaching as nearly as practicable, the people who contribute the greater part of the $5,000. A. Without binding myself to a decided opinion on a point to which I have not given any reflection, I admit there is reason in what you urge, and that is, to a certain extent, already adopted, practically, in the cities, since any balance is handed over to the municipality.

Q. That would not interfere with your general principle, to separate the fees altogether from the salary? A. No.

Q. Let the fees be paid in, as though they did not belong to the man? A. Let the sheriff receive his $4,000 or $5,000, according to his responsibility, and so with the registrar, $3,000 or whatever it is to be.

Q. And the fees be paid in from day to day? A. Yes; I suppose you have bank agencies nearly everywhere.

Mr. ROBINSON: Under that system, would you hold the sheriff responsible for his losses? A. The same as any judicial officer; he should not be made immediately responsible for his losses, where he has acted in good faith, and shown every caution. That is a question for the Government to consider. I think every public officer should be responsible for his own *laches*.

Q. Is not the sheriff responsible in Quebec? A. I think so.

The CHANCELLOR: To a very much less extent than with us? A. Yes; but this is a question of detail. I think every public officer should be more or less responsible. Increase responsibility and you have a better officer, but pay him enough.

Mr. ROBINSON: I do not see how it would work very well. If the Government took the sheriff's office into their hands, they would be responsible for all these bailiffs?

WITNESS: He should see that he had proper bailiffs.

Mr. ROBINSON: Q. Then he should be paid in proportion? A. I say so. I say, take into consideration his responsibility and the work done. I admit the difficulties that arise in connection with the office of sheriff, but I think, on the whole, it is better, looking at the political condition of the country, to get rid of the fee system. It will have to be done, at some time, in this country; the agitation on the subject will go on and must be stopped somehow.

Mr. MASON: Q. It would have the advantage of everybody knowing in plain figures what they get? A. Yes; there is a great misconception now on the subject in this country. You cannot get two-thirds of the people to believe that few public officials are largely paid. I am bound to say the sheriff does occupy a very difficult position, a different position from that of the registrar, but then, pay him enough, and, in certain cases, let the Government be responsible where he has acted in good faith, but do away with the fee system, as far as you can.

Mr. BROOKS: Q. You are decidedly in favor of paying all by salary. Now, in some of our public institutions, the heads of those institutions, in addition to receiving a salary, have allowances and gratuities given them, in the way of houses, furniture, table supplies, servants hired, and that kind of thing. Do you favor that? A. I would leave things as they are. For instance, take experimental farms and asylums. You cannot do otherwise. The chief officers must be in the building themselves, and you might as well provide accommodation. It is much better to do that, than give them a larger salary which would require them to have a house outside, and keep them away from their duties; and, anyway, the number of asylums, or reformatories, or educational institutions are limited in number and the question of allowances does not affect the general principle with respect to fees, I think. A man at an asylum must live within the building, or in the immediate vicinity.

Q. It is thought by many that abuses exist in that respect? A. You have inspection. I think, on the whole, if you come to look at it, what some have considered abuses, were practically very trivial affairs, on the whole. I do not know, really, in connection with provincial institutions anything very wrong of that sort at all. I think the thing has worked very well in Ontario, on the whole, but I do not speak from positive knowledge.

Mr. MASON: Q. Would you think that the cases for allowances should be reduced to the lowest possible minimum? A. Certainly, but at the same time, do not be mean.

Q. I suppose, in fixing the amount of salary, assuming that the salary was to include these allowances, that that would be taken into account. I should think, as a principle, it would be better that a salary should include as far as possible, everything, rather than that there should be a salary, and so much for wood, and so much for light, and so much for servants. Don't you think it would be well to reduce that to the lowest possible point?

The CHANCELLOR: Q. There are none of those cases before us, about servants' hire, and fuel used.

Mr. MASON: Q. I suppose that would come in on the question of the payment of salaries.

The CHANCELLOR: Q. None of them are in that plight.

Mr. BROOKS: Q. It is just with reference to the payment of salaries. Should not all public officers have a stated salary, and nothing more. Let them furnish their own houses, supply their own tables, and hire their own servants? A. Of course, as a rule, the principle is a correct one, but you could not apply it to an asylum, for instance, or an experimental farm. Take the experimental farm near Guelph. If the director lived in the city of Guelph he might be constantly away from the farm. It may be that some slight abuses exist. I do not know that they do. I think on the whole the public receives a benefit from having the man reside on the spot, which much more than counterbalances the little coal and wood he may burn. You cannot take a man from an asylum; he must live in the immediate vicinity, if not in the building.

Mr. BROOKS: Q. He must be there at business hours? A. He must be there day and night A man must be there all the time, and it is a positive advantage to have a man at the institution. Take myself, for instance, I practically live in the House of Commons during the session. I am there perhaps the the whole night sometimes. To be sure I do not get any allowance for it, in one sense, except that I have a very small dressing or bed room next to my office, in case I want to sleep there.

COLIN McCUAIG, Manager of Molsons Bank, Woodstock, appeared before the Commissioners and was interrogated as follows:

I have been banking all my life. In reference to these appointments I have formed an opinion that as far as I have been able to find out from general enquiries I do not see any necessity for any change. I am satisfied with the present system as far as I know without going into all the details; speaking as one of the public having looked into the matter to a certain extent. I do not know anything as to how the elective system works in the United States but I have decided opinions on whether it would be policy to elect by popular vote or not. I certainly do not agree with the system. I should just about as soon think of electing a bank manager by popular vote.

The CHANCELLOR: Q. All corporations leave it to two or three directors to appoint them? A. Yes; the system is very much like that adopted by the corporations.

The CHANCELLOR: Q. The next question is the matter of compensation of officers. How do you think that should be regulated? As at present by fees received up to a certain amount, or fixed salaries? A. I would not give any special opinion, but I should think myself that it would be almost preferable to have fixed salaries, at least I would prefer that myself, to collecting these fees. I think there is a certain amount of work in collecting these fees. It is more onerous for the officer, and it makes it in a personal matter. In collecting the fees for the Government it would be different to collecting them for himself. It would make him still more independent of the public than he is now.

The CHANCELLOR: You would have fixed salaries according to the nature of the work, the amount of it, and the character and responsibility of it? A. Yes, I think so. Of course, I think there is a responsibility connected with the position that the Government ought to be able to decide as to how much it would be. I have not gone into details of how much should be given to the different officers, but so far as I am able to judge what the different officers receive, I do not think they are overpaid at present, certainly not about this

district as far as I know. I do not think any of them are making more than a fair living, as far as I can find out. I think there are some could make more money if they were working in a private capacity, as far as I can judge of their ability. They are all men of ability. I am not acquainted with the duties of the county attorney and would not like to speak as to that.

SAMUEL BARKER, Hamilton, appeared before the Commissioners and was interrogated as follows:

In my opinion the election by popular vote of the officials mentioned in this list of questions would not be an improvement upon the present system, but the contrary.

Speaking generally as to the list of officials, I think the appointments are best made by the Government.

As to some of them, such as the clerks of courts, I think that probably the very best appointments would be made by the judges of the High Court as a body; but it is perhaps as well not to impose on the judiciary the exercise of patronage.

The officials about whom I have some doubt are the Division Court bailiffs. These men, distributed in every section of the country, have great power over the poor and needy. They may be made instruments for political purposes of the government of the day, or of the political party at whose hands they received office. I do not say they have been so used. I see no objection, other than that mentioned, to their appointment by Government. The County Court judges should be able to make the very best selections and appointments, and although there are objections to giving this patronage to the County Court judges, still, to avoid the political danger I have referred to, I should prefer to see the appointment of the Division Court bailiffs in their hands.

But speaking generally of all such appointments as are in this list I think appointments by a responsible government better than election by popular vote; and on much the same grounds that I would expect better appointments of treasurers, superintendents, managers, etc., by boards of great corporations than by vote of shareholders in general meeting. The boards consist of men having or soon acquiring special knowledge useful in the selection of the best men. Such a board is constantly giving some attention to the requirements of the offices and to the work done; and occasionally has to investigate charges against officials. The shareholders as a body would never give much, if any, attention to the subject until their vote should be wanted. The board is responsible for good appointments to its constituents. The shareholders are responsible to no one. It is much the same with the Government one the one hand, and the electorate on the other.

I think it would be a very bad business to have local masters, county attorneys, or any officers connected with the administration of justice, looking to the electorate for re-appointment; about election time particularly they would do their duty at their peril.

Appointment by municipal councils would be better than by popular vote, but I should not approve of such appointments being in the hands of the councils.

The majority of the men composing councils do not know the requirements of the offices as well as they are known by the Government. The offices are not municipal in their nature, not even that of the registrar. His work affects business in all parts of the province. The moneyed institutions of a large city are interested in the efficiency with which the work is done in every registry office throughout the country. And it is so with many other classes of business where

interests in land are involved. It is important that there should be uniformity of system, and that the work everywhere should be up to a standard. To attain this there must be one general supervision, a responsibility to one superior, and one power to enforce obedience on all alike.

In my opinion the question of appointment is closely connected with that of removal; the power to appoint and the power to dismiss should be in the same hands.

To have good officials who will devote themselves to their work you must make them feel safe in their positions during good behavior. I am confident there is no official who would not feel safer in the hands of the Government, though politically opposed to him, than he would in the hands of a municipal council or of the electorate. If either of the latter had the power of removal we should see men using official positions to "make hay while the sun shone" and owing to the uncertainty of tenure retaining openly or secretly their interests in other business. No doubt councils do appoint good treasurers, clerks, etc., but these officers are doing the work of the councils, and their work is constantly under the eyes of the council. Neglect would affect the conduct of the council's own business. Financial troubles would affect the council-man's own purse and that of his constituents. But the shortcomings of such officials as are mentioned in this list would not come home to the council as would the neglect or defalcation of a municipal official.

Under the elective system in the States I have seen the registry books and documents kept at the rear end of a general store, the registrar continuing to crrry on his business as a merchant and looking forward to handing over the registry office to his successor at the next election.

I have seen in the city of New York, in the offices of a firm of solicitors, very elaborate abstract books containing the records of title deeds to large properties in the city. A solicitor examining a title to any portion of the property would know that he could find a perfect abstract in the office of that firm and would go there and pay a big fee for it rather than trust to an abstract from the registry office. This was so profitable to the firm (*i.e.* so costly to the public) that the firm regularly examined all new registrations and kept their own book up to date. I was informed that other firms had similar abstract books as to other sections of the city. There seemed to have been a practice among the large firms when a necessity arose to investigate the title of a large estate, such as the Astor estate for example, to prepare a very elaborate book, very much like our registry books, and fully as complete, and keep it up for all time. Then if any other solicitor desired to benefit by their work they charge him, say $100. Those books seemed to be regarded as more reliable than the official abstracts.

The CHANCELLOR: Q. Are you aware that there are title guarantee companies in most of the cities where the chief business is done, and that more reliance is placed upon those than upon the registry offices? A. Yes, I believe so.

Q. Do you attribute that to the fault of the registry system, that is, their law being in some respects not the same as ours, or to the elective system being in vogue? A. To both. As far as I have seen, especially in the western States, they are not quick to adopt reforms. They adhere to a system, and the short or uncertain tenure of office by officials stands in the way of reform. Even good men do not take an interest in improving a position that they know may be handed over to other men in a very short period. The official is liable to be turned out at the next election. Therefore he is there to quickly make all he can out of the office. He has no interest in the permanent good of the office. The best office I have seen is in Buffalo. The work there seems to be well done.

Q. The revenue of the registrars in Michigan, for one State, has fallen immensely, just on that account, that people will not apply for abstracts, and will not pay for them? A. No doubt it must be so. At the time I mention, in the city of New York, the larger portion of the money must have gone to the ottside firms who kept those private special books. The registrar lost everything like certified abstracts on valuable properties.

Mr. ROBINSON: Q. Could he be held responsible for his records or abstracts, after his term of office expired? A. In the elective system I would not give much for the personal responsibility of the officer. I think the evils of the system are greater in the country or less populous districts.

The CHANCELLOR: Q. What do you say as to the deputies in the office of registrars or sheriffs? Who would you leave the appointment in the hands of? A. As a rule I would leave it in the hands of the one who employs and is responsible for them. I do not see how you can interfere with appointment of subordinates, unless you assume all responsibility.

Q. Then, would you have any supervision of the amount paid? A great many complaints made about registrars have reference to their doing nothing, farming the office out, and paying petty salaries? A. I know that there is such complaint. Instances have come within my own knowledge where the employees have been paid lower wages than the same men would receive in almost any other service; but I do not see a remedy for it unless the Government assumes control of the office.

Q. Would you subject that to inspection, or would you say the Government should fix the salary of the deputies, seeing that the officer does his work? You would expect all these officers to be working heads? A. If you interfere between the registrar and his deputy in regard to salary there is some risk of meddling with proper subordination in the office. The registrar might evade the rule as to the salary by dispensing with a deputy and getting the greater part of the work usually performed by such a man done by a good clerk at less salary. That would involve a little more personal attendance by the registrar, but not much more.

Q. The salary comes really out of the fees; it is not as if the registrar was himself paying, but the fees being the source out of which all the office expenses are paid, and then the municipality having at present an interest in the surplus, there ought to be some expedient for systematizing the expenditure and having it uniform? A. There ought to be, and it would be a good thing if it could be effected. You might provide that where a registrar does employ a deputy there must be a minimum salary based on the income of the office. The rule would have to be general in its application. If the inspector or the Government were allowed to fix the salary in particular cases that would give rise to an objectionable form of patronage, and all registrars might not be treated impartially. The difficulty of settling a fair general minimum either by patronage or fixed sum is that it must be based on the value of the services of the least efficient men. There is danger that a minimum so fixed might be made the standard for the better men; and very little general good would result. There is also difficulty as to the clerks. Take a staff generally in any office. You take six men apparently equal, and you will probably find that two out of the six will do as much, or nearly as much work as the other four, one man using his hands and the other using his head and hands. That is the short way of putting it. If you try to fix a general minimum salary, you must gauge it for the inferior men.

Q. You would be inclined to leave the whole thing to the head of the department, as you would in a large business concern and let him choose his own men, and make his own rates for payment, as he is responsible for the whole service A. I would, because I do not see how you can interfere effectually without going to the whole extent of employing the staff as you do in the post office, and having it under Government responsibility. Then, as a question of economy, I think it would be a mistake to suppose that the country would save the difference between salaries paid by the Government and the present income of the office. A large portion of the revenue of the registry office is made up of small fees. At present there is no doubt everything is paid for. With the Government in charge, I doubt that there would be the same strictness, the same vigilance in looking after revenue. On the other hand, I think the expenses would increase. You would probably have more expensive men than the registrars have. More men, less work and higher wages. The registrar gets the most out of his men, he makes profit out of it, and the results under him would be no gauge of the revenue under a Government system.

Q. What is your opinion as to the manner of payment? You would maintain the fee system? A. In large cities, and in the large offices, the salary system could be worked to advantage. The offices could be carried on under the Government as the offices in Osgoode Hall are conducted. I think that throughout the country the present system is the best.

Q. Do you mean in an office where the fees are not more than enough to compensate the officer? A. No; I mean that in very large or exceptional offices, I think the salary system might be adopted. It would have to be an entirely different system. In that case, I think you would have to conduct it on the system of the post offices, the Government appointing everybody, and taking everything; but assuming more responsibility for errors than they do in the post office.

Q. What do you say of the present system, where the fees are received, and the officer takes to his own use up to a certain point, and then accounts to the municipality for the rest, after a certain percentage? A. I think that is right as far as it goes, preventing the registrar drawing more than is reasonable. Of course, that requires constant supervision on the part of the Government.

Q. Would you approve of the present system continuing, that is, the officers drawing fees, and retaining their compensation out of the fees, with a limit as to how much they should take? A. Yes; I should think there ought to be a minimum limit. I think that no officer occupying the responsible position of sheriff or registrar should receive a starvation income.

Q. In the small counties, many of the sheriffs do get a fixed sum from the Government now. I think $1,000 is the minimum in parts like Manitoulin Island? A. I think that system should be applied also to the registrar, who is a very important public officer.

Q. Or would you combine offices? A. The combination or division of offices, it appears to me, should be regulated simply by the convenience of the public in getting to the office for the purpose of business. So far as is compatible with that convenience, districts should be construed.

Q. The clerk of the county court, could not he, in a sparsely settled county act as registrar? He does registrar some instruments now, chattel mortgages, for instance; at least he has the control of them? A. I thought you meant combining

two districts. I have no doubt there are officials in sparsely settled districts who could well perform the duties of two or more offices, and with advantage to the public. A more efficient staff could be maintained and the work better done.

Mr. MASON: Where the work to a great extent is similar? A. Well, where there is not enough work to keep a man fully employed in either office. I think the whole work would be better done by giving the man plenty to do.

Q. A sheriff might very well be the registrar in some counties? A. I doubt about the sheriff. He, in those districts, does much of the out-of-door work. The clerk of the county court might be registrar also. The two offices might be combined, in certain places.

Mr. MASON: I suppose the only difficulty that might arise, as far as combining the office of sheriff and registrar is concerned, is the great diversity of the work, as between the two offices? A. Some of the sheriffs do much of their own bailiff work. They cannot afford at present to employ bailiffs. The registrar should be in his office.

The CHANCELLOR: A sheriff always has a deputy? A. Yes; but the deputy frequently is an office man, and some sheriffs cannot afford to pay an experienced sheriff's officer as deputy. Some of the revenues are small, at least they are said to be very small; and the sheriff, to avoid the risk of actions being brought against him in respect to seizures, etc., does much of the work himself.

Q. There are very few counties where they are in that plight. Then, as to the amount, which the officers should receive for their own use, do you fix any limit, as the maximum and minimum? A. No, I have not considered that. As to sheriff's subordinates I think they should appoint their own. To avoid getting into litigation through seizures, etc., the closest supervision of subordinates is necessary. The personal responsibility of the sheriff ensures that watchfulness. If the Government were responsible the claims would be more numerous than against a sheriff, and would probably be enforced with greater success. I doubt that ordinary sheriffs' work such as levying under executions against goods would be well done, otherwise than by an official whose income depended on its success. The creditors' interests are best attended to under the present fee system. I think the sheriff should be responsible for the conduct of his officers, and if he be responsible I don't see that you can justly interfere with his appointments.

Q. You have been solicitor and barrister? A. Yes; and had experience with the registry offices under the old system, before the present system was perfected, when every registrar carried on his office very much according to his own notions; some excellent and some very bad. I have also had municipal experience, as alderman, and chairman of finance. I have had experience in connection with the offices of large railway systems. I was solicitor of the Great Western. I was also manager of the Northern & North Western Railway, and I have had some experience of the working of the Grand Trunk. I have also been connected with loan companies.

Q. Have you considered the question of license commissioners at all? A. I cannot say I have considered it very carefully, or what I consider is better, discussed it with people of opposite views. I think that as to license commissioners, the remarks made as to Division Court bailiffs, to a certain extent apply; that they may be used for political purposes.

Q. Do you make any suggestion about the manner of appointing them? Would the matter be improved by electing them, or turning the appointment over

to the county council? A. Not wholly; I do not think that that would be prudent. In a city like Hamilton, I would prefer to see the appointment made by a body like the police commissioners, the county judge, the police magistrate, and the mayor.

Q. Do you mean they would act as commissioners, or that they would appoint commissioners? A. They would appoint the commissioners. I think that would as nearly as possible secure freedom from political bias. I do not know that that could be made applicable generally. I think it would be a good thing here. Whether there is any truth in the charge that the Government appointees as license commissioners do interfere politically or not, I think the other would be better, as it would remove suspicion of anything of that kind.

Q. Then, the county appointees would be, by analogy, the county judge, the warden, and some Provincial Government officer? A. Yes; my reason for thinking the mayor should be combined with the County Court judge and police magistrate is that he is elected by the people and therefore he can represent the popular opinion of the day; either in favor of restricting or enlarging the number of licenses. He cannot control the other two but he can bring before them the views of the citizens. The other two are state appointed officials. It would be well I think to have one man direct from the people and responsible to them.

Mr. Robinson: Would you have the county attorneys, and clerks of the peace, receive a salary, instead of being paid by fees, because it is said that occasionally perhaps a county attorney institutes criminal proceedings? A. I think I would prefer to see the county attorney paid by salary.

The Chancellor: As distinguished from the clerk of the peace. The two offices are combined everywhere except in the county of York? A. The county attorney's duties are peculiarly such that I think the fee system is objectionable.

Q. And the local masters, would you have them paid by salary? A. Yes, certainly; in the larger districts.

Q. And not take fees? A. Of course if they work out the system of combining their work with that of the county judge, *a fortiori*, they should be paid salaries in that case.

Mr. Robinson: You are amongst the few who have appeared before the commission with the experience which you seem to have in the States, as to the conduct of these different officers, and I would ask you whether you have heard complaint amongst the best people, or business people of the community, throughout the States, as to the elective system. Have they wished it changed at all? A. The remarks I have heard about it, have been made in the nature of favorable comparisons of our own system with theirs, speaking of our own as the better system; the work of our officials being immeasurably better than theirs. That the impression I gathered from legal gentleman and others.

JOHN M. GARLAND, Ottawa, appeared before the Commissioners and was interrogated as follows:

The Chancellor: Have you been in any position in the council, or any other official position here? A. Not here.

Q. But you have been somewhere else? A. Yes; I was in the council when quite a young man, in one of the counties.

Q. Have you any special knowledge of any of these offices we are dealing with? A. No; no special knowledge. As a merchant, I have had more or less business experience in connection with these sort of things.

Q. Have you formed any opinion about the appointment of any of these officers, how they should be dealt with? A. I have grave doubts whether we can improve very much upon the present system. I would be very sorry to see them elected. I would be very sorry to see it come to a matter of electing sheriffs, and other officers of that kind; very sorry indeed.

Q. Why so? A. Because I think we would get very poor men. We would not get as good men as we have now. We would get a poor class of men.

Q. How would you say as to the council choosing? A. I think it is better in the hands of the Government, than in the hands of the council. In a great many cases they would be open to be influenced to a greater extent than the Government. They would be influenced in the direction of poor men.

Q. And, I suppose, there is not the same course of public opinion directed towards county councils as towards the Provincial Government? A. No; it is more a local matter. Local pressure would have more to do with the appointment of a poor man, with the council, than with the Government.

Q. You would probably have a poorer class of officers? A. That is my opinion.

Q. It would not be a change for the better? A. I think not.

Q. What do you say, then, as to the remuneration? A. I think there should be a maximum and a minimum remuneration arranged in some way. I am told that the sheriff, in some cases, where the responsibility is considerable, and where they are prevented from doing almost anything else, get a very small remuneration in some counties, too small altogether. I am told that in some cases the remuneration is very large. While, as a matter of fact, I would think that the remuneration should be large where the responsibility is large, and the business is large, I think that there might be both a minimum and a maximum amount.

Q. Take the average county in the country, what would you say would be the minimum amount? A. I should say, not less than $1,200, or $1,000, or $1,500, and the maximum, say $5,000 or $6,000.

Q. That is for the city? A. Yes.

Q. But I was speaking rather of the county, the average county, which would have 40,000 people or so? A. Well, I should think he should get at least $1,200 or $1,500. I am told that in come cases the fees do not net them $800.

Q. There is one or two of that kind. The average, perhaps, is about $1,200. What would you say should be the maximum in those average cases? A. I think it should depend upon the amount of business that they have to do. I think the fee system should, to some extent, regulate that. It would show the business they do. Of course, a man should be paid in proportion to his labor.

Q. Take the amount of fees for several years, and fix the amount with reference to that? A. Yes.

Mr. ROBINSON: Q. Would you relieve him from responsibility? A. No; I think he should be responsible. The fees, of course, would form a sort of insur-

ance fund for that. If the amount of business was small, the fees and the emoluments would be in proportion. If the business was large, and the responsibility great, the amount he would draw should be in proportion, I think.

The CHANCELLOR: Q. Then would you keep the fees in a separate fund, out of which the expense would be paid of suits brought against him, and so on? A. No; my idea was not to make a stated salary.

Q. To fix an amount that he should receive so much for his own use, and account for the rest? A. Yes; up to a certain amount. Take the fees, now, if an office brings in $10,000, say $6,000 is sufficient for the remuneration for that sheriff, I mean net, and if an office would only bring $800 or $1,000, that is not sufficient; he should be paid more.

Q. Then the Government should make up the difference? A. I think it might be made up. The larger offices might contribute to the smaller ones. Of course, it would require to be done through the Government, I take it. It could not be done direct.

Q. Then your idea would be to fund the fees derived from all the offices of sheriffs over the country, have one fund out of which they should be paid? A. Well, my idea was not altogether that. For instance, we will say, the fees as arranged now in any equitable way, bring a sheriff $3,000 or $4,000, then he should retain the whole, but if the fees bring over $6,000 that he should pay the overplus over, and that that should form a fund to make up deficiencies in those smaller counties. I do not know whether my idea is practical or not. I have not given the matter very much consideration. I do not think that any man should work for less than his work is worth, and I do not know that any man should have a very large income, out of proportion to his responsibility, and his work.

Mr. MASON: Q. You mean, I suppose, then, that all the expenses of the office, as well as his salary, should be included in the amount you mention that he should return? A. No; I mean that that should be the net amount, not more than $6,000.

Q. Then, what about the expenses? A. That is the net amount, over expenses. Of course, the expense, where the income is $6,000, might be $7,000 or $7,500 in a large office. I mean the net amount.

Q. Then, how do you arrive at the surplus? A. For instance, some offices, the net amount $1,000 or $10,000 say, the City of Toronto, I think I saw in the public print, that the amount was some $8,000 or $10,000.

Q. That is the total amount of fees? A. As I understood it, that was the net amount.

Q. No. A. Then that is my mistake.

Q. All these returns mean gross amounts. A. I understood it, in the article I saw, as net.

The CHANCELLOR: There is a misconception, from the way the fees are returned.

Mr. MASON: Q. These fees returned are gross fees. I wished to know whether you meant the salary, and all expenses, should be included in the amount

you spoke of? A. Oh, no. It is difficult to say what the expenses are in proportion to the income. I suppose in sparsely settled counties perhaps the expenses are large.

The CHANCELLOR: Q. Then, you would have some strict supervision of the expenses of these offices, to see that there was not a leakage? A. Yes.

Q. Each man should do his work? A. Yes.

Q. He should not be there as a figure-head and draw his salary. There should be an allowance for extra work required after counting him as the working head? A. Yes.

Q. That would be just reducing the matter to business principles? A. Yes; that is my view. I am taking a business view of it.

Q. Is there any other matter that you have thought of, that we have not asked about? A. I think, on the whole, that the system of fees, is the best with reference to nearly all the offices mentioned here. I would be opposed to placing them on salaries. I think fees is the better way for the public, much. I think the fees are better collected and better looked after than they would be if the parties drew a salary and the fees all went to a fund. I think the fee system is the better one.

Mr. ROBINSON: Q. You are opposed to popular election? A. Decidedly. opposed to it, in all the offices. I have seen a little of that on the other side of the line. I have conversed with the better class of people there, and they all wish heartily that they were rid of that system and had some other.

Q. You speak of that as the general opinion? A. The general opinion of the better class of people in the United States, all over it, nearly. I have been in California, Florida, New York State, Washington and different places. All the better class of people I met with are heartily sick of it. They do not want it. They say it is bad, and all that sort of thing. Once in a while, you would meet someone who did not understand our system, and would seem to think theirs as good, but, when our system was explained to them, and the advantages, in almost every case, they saw the great advantage of our system. That is the permanency of our officers. The fact that a man cannot go to a sheriff and say, here, I have placed you there, and if you do not do what I want you to do, I will place you out of there at the next election, is a great thing. On the whole, the supervision of the Government is better than that of any other authority that we could at present bring to bear. I think that the officers should have the appointment of their assistants, particularly in the case of sheriffs and registrars. They are responsible for them, and it would be a great mistake to take the appointment out of their hands. In fact, I do not see how we could, and still hold them responsible. I do not think it would be justice.

Q. Would you have the salary fixed by the Government, as to how much the assistants should get? A. No; I think that should be left with the party employing. If you fix the salary, you handicap the registrar, or the sheriff.

Q. There should be some supervision, as to whether an exorbitant amount was not being paid? A. Yes; I think so, particularly where the office was one that either handed over a surplus, or required an addition. In fact, I suppose a supervision should go to all.

Q. In any case of fees, there should be inspection by the Government to see that there is not an improper amount paid? A. There is such an inspection now.

Q. But that you would have more systematic? A. Yes.

Q. So as to have uniform results in the different counties? A. Yes. Of course, there should be trained men, who would understand the work, as inspectors.

WILLIAM SCOTT, President of the Board of Trade, Ottawa, appeared before the Commissioners and was interrogated as follows:

The CHANCELLOR: Q. Have you gone into any municipal duties in your time? A. No, sir.

Q. You have lived some years in Ottawa? A. Yes, sir; I have lived all my life here.

Q. Looking at these questions before us, do you express any opinion about the manner of appointing the different officers, whether a change to election or turning them over to the county council, or city council, would be an advantage? A. I have had very little experience in these offices; I do not consider I am qualified to give any opinion, except just in a general way.

Q. Generally speaking, what do you think? A. I would not approve of the election of any of the officers by the people.

Q. On what general grounds would you object to that? A. Taking the experience of the United States, politics would be apt to enter into the election.

Q. Would you get as good a class of men as officials as if they were appointed? A. If they were elected by the people I think you would not get as good men.

Q. The best man probably would not run. They would not take all the means of getting in that other people would, if they were elected? A. Probably not.

Q. Have you had any experience in the States? A. No; only just from reports.

Q. Still you see no reason to make any change in the present system; you do not think it would work any benefit? A. No; not so far as I know.

Q. Then, as to the appointment, have you any opinion about what these officers should receive in the way of salary, or whether they should collect fees and pay themselves out of the fees, or turn the fees over to the Government and have a fixed salary? A. My opinion is that they should get a fixed salary.

Q. What do you think would be the advantage of that? A. I do not know; just on general principles I think it would be better.

Q. You think it ought to be known how much an officer gets as salary, so that the people could know he gets so much for his salary, instead of saying he is paid by fees? A. Yes, I think so.

Q. Under the present system, the officers do get paid up to a certain amount by fees, and have to account for the balance, and pay a percentage of it to the Government. Would that suit you as well as the pure salary? A. No; I think that a straight salary would be better.

Q. You think that would be simpler and more satisfactory to the public to know that an officer gets so much? A. Yes, I think so.

Q. Then you would have all the fees collected and funded? A. Yes, sir; you mean by funding, depositing and paying them over to the Government?

Q. Yes; paying the Government, or it would be received by the Government, and turned over by them to the public treasury. Is that your idea? A. Yes.

Q. And that would be the fund, out of which the salaries would be paid? A. Either that, or drawn from the general treasury. Let the money go to the credit of the general treasury, and pay from the general treasury.

Q. But you would have some proportion between the amount collected and the salaries? A. Yes, sir; I would think so.

Q. Give an officer a salary proportionate to the amount of fees he has been receiving, or would you give him a salary irrespective of that? A. Well, I would propose, take the position first into consideration, and then the amount of fees that the officer has earned.

Q. Consider first what a fair living salary was for a man of his position and responsibility, and then consider what amount of fees he has been receiving, and then form your estimate on those? A. And that he should not have anything else to do.

The CHANCELLOR: Q. He should get a living salary, and give himself entirely to the official work? A. Yes.

Q. And if the one office was not sufficient, I suppose you would favor grouping the offices so as to give him a proper salary for the whole? A. Yes, I think so.

Q. In regard to the license commissioners, they are appointed by the Government at present. They used to be elected by the municipalities, or by the township council; do you think in the interests of morality and temperance any change would be desirable in the appointment of the license commissioners? A. No, I think not; I think the present system is the proper one.

Q. You think it is better controlled at present? A. Yes; by the Government.

Q. They are free of local influences, and the influences trade might bring to bear at present than if in the hands of the localities? A. Yes, I think so.

Q. Is there any reason, or have you known any ground of complaint here with regard to the public officials mixing themselves up in politics, political questions, taking active partisan attitudes? A. No: I cannot say that I have.

Q. You would deprecate that on the part of officers, taking an active part in politics? A. Oh, yes.

Q. They should serve the public and serve whatever masters are above them. They should not take part themselves. Are you strongly in favor of that? A. Yes; I am strongly in favor of that.

Mr. ROBINSON: Q. You are the President of the Board of Trade? A. Yes.

Q. Have any of these questions come up for discussion before your Board? A. No.

Q. The appointment or the manner of paying? A. No; those questions have never been discussed before our board yet.

JOHN R. ARMSTRONG, Ottawa, appeared before the Commissioners and was interrogated as follows:

I am clerk of the Division Court of the city. I have been so for twenty-two years.

Q. Does that occupy all your time? A. Yes.

Q. Have you been in any municipal office or position apart from that? A. Never, sir.

Q. You were appointed by the judge, I suppose, in the old times? A. Yes.

Q. What do you think of the relative methods of appointment by the Government, or by election, or by the county councils? A. Oh, I think the appointment by the Government is decidedly preferable.

Q. What would you say to going back to the appointment by the judges? A. Well, I think that was good, as far as my observation went. I do not know that there was any improvement.

Q. Do you remember what was the occasion of the change? A. I do not remember, sir.

Q. Some dissatisfaction of the officers appointed, or do you remember? A. I do not remember, sir; I did not know that there was anything.

Q. Bailiffs are appointed by the Government? A. Yes.

Q. How many bailiffs serve here? A. Two.

Q. They, of course, do other work, besides being bailiffs? A. Well, very little. One of them, I think, confines himself entirely to the duties of his office. The other does some work, I think, collecting on chattel mortgages.

Q. Would you favor the council making appointments of Division Court clerks? A. No, sir.

Q. Why do you think election would not be satisfactory? A. Well, I think it would bring it into too small an arena. There might be a very satisfactory selection made, but I am afraid it would result in too much turmoil and canvassing for the office. I think the chances are the selection might not be so well made.

Q. Do you get sufficient fees here, to be under the accounting class of officials? A. Oh, yes.

Q. You take up to what, $1,000? A. Yes.

Q. You then account? A. Yes. There are two Acts applying to the Division Courts, which you know, of course. The gross amount is taxed, and after expenses have been deducted, the net amount is again subject to percentage.

Q. Both surpluses go to the Government? A. Yes.

Q. Have you any suggestions to make as to the management of Division Court affairs, or costs, or fees, which you think would be useful? A. Well, I

think it might be made a more satisfactory court, speaking from my own observation here, if the bailiffs were more properly connected with the office, either by appointment, or some direction of the Government. I think if they were subject either to the judge or the clerk it would be better. They are independent. Although personally I do not find it working to any disadvantage.

Q. They should be in subordination either to the clerk or to the judge ? A. I think so.

Q. At present they are entirely controlled by the Government ? A. Yes, and the clerk of the court is charged with the management of and taxation of all their fees, and looking after everything. He collects all their fees for them and pays them. It is putting him too much between the community at large and the bailiff, without giving him any control over the officer.

Q. Then the fees levied by the bailiff on executions are all subject to taxation by the clerk ? A. Yes. The clerk is charged with the duty of taxation, and he is liable to do it in a perfunctory manner, under the circumstances. The tendency is that way. He does not want to disagree or quarrel with the bailiff, being an officer who is coming in contact with him every day, and he has no control over him.

Q. Would you say the bailiff ought to be appointed by the clerk or by the judge ? A. I think so. At least I think they ought to have the recommendation. If there was some method by which recommendations could be considered I think it would be well.

Mr. Robinson : Would complaints against the bailiff be better attended to ? A. I think they would not occur so frequently, sir.

The Chancellor : Would it work beneficially to carry out the principle that has been suggested in the late statute of having a fixed sum for fees in all cases. They have arranged it as to certain ones. Would it be a good thing to extend that to all cases brought into the court ? A. From my experience of the working of this so far it is very crude. It is not very satisfactory.

Q. Taking it as a principle to apply all round ? A. I do not think it would work as satisfactorily as the present system, sir.

Q. Why not ? A. There would be too much imposed if there were enough imposed. There is no possibility of telling in anticipation just what a suit will cost.

Q. Could not you take the returns of the volume of business done, and the number of suits to which that is applicable, and obtain an average ? A. An approximate estimate might be arrived at, and it would be a great advantage in some respects ; it would save a lot of details.

Q. And enable people to know exactly what they had to pay ? A. I think it might work.

Q. Such a system has been advocated in England in the lower classes of cases, but I do not know that it has ever been carried out. I think in this province was the first attempt to put it into force. You say it does not work well ? A. Not very satisfactorily.

Q. What are the objections that you have found ? A. Well, there is a fixed sum, and sometimes there are a number of defendants. In my own experience

one suit had four defendants in it. The statute imposes the duties upon the bailiff and clerk, the same as if there was one defendant.

Q. The volume of work is increased and no compensation ? A. Yes ; and if the amount is only sufficient for one defendant it is insufficient for four.

Q. There should be a sliding scale ? A. There might be details by which that would be covered.

Q. Then, is there a chance of extortion now by bailiffs in the country, for instance, where the people are supposed to be more uninformed about their rights and liabilities than in the city ? Take the ignorant people who are brought into the Division Court, is there a chance of extortion being practised upon them by having to day undue fees ? A. To be sure ; there is a supposition it is practised to some extent.

Q. If the clerk taxes how can that be ? A. That is the difficulty. The clerk sometimes is at a loss as to the question of taxation, he does not know just which way to decide it. There are duties as to which it would puzzle a judge to decide whether the bailiff was entitled to fees or not.

Q. Is that because the tariff is not explicit ? A. It cannot be so explicit in some instances as to answer the questions. I think, perhaps, that clerks do not tax with that care that they should, because it is none of their business, in a sense. They have simply to attend to their own duties. The officer is not their officer, he is the officer of the Government, and he is independent of them, and I think that is one of the disadvantages that arises from their being too much separation between the clerk and the bailiff.

Q. The bailiff might take fees without subjecting them to taxation? A. Yes.

Q. But if the bailiffs act properly, there is a system of checking ? A. Yes, a thorough system. Of course if a man is dishonest he may exact and extort.

Mr. Mason : Have there been any complaints made to you in respect to the conduct of your bailiffs ? Not specifically. Of course there is grumbling occasionally about laxity of attention, and things of that kind more particularly. I have to deal with the solicitors almost invariably, and they are pressed by their clients, and their clients expect them to return their money soon, and they find fault with somebody, and sometimes they have reason to find fault. The bailiff may be a little dilatory in making his returns and attending to instructions, unreasonable instructions sometimes. I have very rarely had any question about overcharges, or anything of that kind.

Mr. Robinson : Q. Are the costs in the Division Court out of proportion to the majority of the sums collected ? A. Oh no, I think not, sir.

The Chancellor : Q. Could you give an average, roughly speaking, in a $50 case, a defended case ; could you form any sort of estimate of what the costs would be ? A. I can tell you what the court costs of all suits would be about ; taking all classes of suits, defended and undefended, about $2 a suit ; a defended case, $50 suit, would cost about $3 without mileage.

Q. Then up to the highest amount, it would be more ? A. No ; it increases very slightly ; it never gets as high as $4 for $200. The jurisdiction now extends to $200.

Q. $5 would represent the average ? A. Oh yes, more.

Q. Apart from jury fees? A. It includes that; the jury is out of question; there is nothing in it. I have no experience with the jury; a jury has not been called once in seven years. I have had one or two juries in the court in seven years past, but that is all. There is a good deal of money imposed for a jury fund, which I think was unjustly imposed. That is part of the charge against the suitors. For instance, the fee upon suits over $100 is 25 cents.

Mr. MASON: Q. Have you ever considered the question of giving Division Court clerks power to settle certain cases, without going before the judge? Have you thought about it at all? A. Yes; I have thought about it. I have thought that a great deal of time might be saved, and that is important to working people, if some method of a reference to the clerk, if he were competent; but that is the difficulty. If he was a competent man, a great deal might be saved, as a matter of expense, and a great deal of time saved.

The CHANCELLOR: Q. None of the Division Court clerks are lawyers? A. No, sir.

Mr. MASON: Q. Do you not think in the majority of instances the cases are those which an ordinary business man could settle, just as well as any other person? A. Oh yes, I think so. I am not a lawyer but I think I could dispose of cases involving accounts, as well as anyone else. Of course, not the hearing of evidence of any account.

Q. Do you not think that would be satisfactory in a majority of cases, to the litigants themselves? A. Yes; I think it would.

Q. Giving them a choice? A. Yes; a great many people want to get matters disposed of. That has been my experience here in connection with the garnishee proceedings; they want to have matters disposed of, and in large businesses they do not wish to have their books incumbered with unsettled matters and if they could bring it before the office promptly they would do so, and settle it.

SHERIFF WIDDIFIELD, Toronto, appeared before the Commissioners and was interrogated as follows:

The CHANCELLOR: Q. You were in the council before? A. Not in the county council.

Mr. ROBINSON: Q. You were warden? A. No, sir; I was never in a county council. I was in the provincial parliament for some years.

The CHANCELLOR: Q. Have you formed an opinion as to any of these offices, outside of your own? A. So far as the registrar of deeds is concerned, I have seen and have been in a position to know something about that office. I heartily approve of the present system. I think that the appointment of the registrar of deeds certainly should be vested in the government of the day. As to where the surplus fees should go, whether to the county or to the Government, at the present time I think it goes to the county altogether. So long as that is the law, I think the county ought to provide the buildings, and maintain them, and keep them in their present condition. If the Government takes that surplus, perhaps it would be different.

Q. There was a case that came before us, where the government officer directed buildings to be repaired, the expenses to be gone into, amounting to $600, I think it was, and in that county the revenue did not come up to the

standard which the registrar himself was to take. There was no surplus, in other words. There was the expense of $600 or $700 put upon the county. They complained of that. How would you deal with a case of that kind? A. The surplus of all the counties might form a fund for that purpose.

Q. Then you would have to keep the matter under government control, to equalize them? A. That would be so.

Q. And you could not work that system, if you turned the offices over to the control of the different counties? A. No.

Q. Each county would have to bear its own? A. Yes.

Q. Then, about the compensation to these registrars, do you suggest anything as to that? A. I do not think, so far as the returns show, that the amount is excessive under the present system. That they should be paid by fees, or by a proportion of the fees, I think is perfectly fair and reasonable, because then only those who require the services of the registrar, or the use of his office, contribute to his support.

Q. The persons pay who use? A. Yes.

Q. And you are satisfied with the present arrangement? A. I do not think it is excessive.

Q. Then, as to sheriffs, what do you say as to the responsibility and the duties, and the compensation of that office, from your point of view, you being a sheriff?

Mr. Robinson: Q. Have you felt the responsibility in your own office? A. I have, indeed. While it scarcely be in good taste for me to say anything with regard to salaries, supposing the system was changed and sheriffs were given salaries, being a sheriff myself, I may say this, that the emolument to sheriffs, considering their liability, I do not think is excessive. I might mention a case in point. My officer, in the performance of a certain duty, acting on the advice of my solicitors, committed an act that led to the issue of writs against him and myself. Those cases, after being carried to the Court of Appeal, mulcted me in costs to the amount of $2,000. It might be said, of course, that that was due to a failure of duty on my part, that I was not competent to perform the duties of my office, but I acted on the advice of my solicitor in all the steps taken. The two cases came before the court, the trial judge non-suited the plaintiff in both cases; both cases were appealed; one went to the Court of Chancery and one to the Court of Common Pleas. Both courts fully and unanimously sustained the trial judge. There were eight judges then, four Chancery judges and three judges of the Common Pleas and Sir Thomas Galt, the trial judge, who decided that I had simply done my duty, and you, Mr. Chairman, presiding in the Court of Chancery, very clearly and emphatically sustained me on every point. One of the cases was dropped at this stage, and the other carried to the Court of Appeal. The Court of Appeal reversed the decision of the eight judges. The fourth judge of the Court of Appeal took the same view that the other judges did, in the first instance, so that nine judges of the superior courts of Ontario, declared that I was right in my view. Only two took the opposite view, and yet I was mulcted in about $2,000 costs. For some reason, one of the judges was absent in the Court of Appeal, when the case was tried.

Q. It would be said that you should have gone further. A. That was impossible. It was only a matter of costs. I applied to carry it to the Supreme Court, but failed. The amount involved was not sufficient.

Q. So that it is not always the majority that rules? A. No.

Mr. ROBINSON: Q. That is an instance of the great responsibility of the sheriff's office. Did the final court saddle you with the whole costs? A. The whole costs of the one case. Only one case was appealed.

Q. So that you lost that year, half your salary? A. Fully half. I had to pay my own costs. About $2,000 was the total costs. I do not think it could be said that I had failed in the discharge of my duty, or that it was through any error or mistake on my part, when nine judges upheld my position.

Mr. ROBINSON: Q. You have good reason to know that there is a good deal of responsibility and risk connected with the office of sheriff? A. Yes.

Q. Was that an illegal seisure case? A. It was an arrest for breaking in and attempting to remove goods seized.

The CHANCELLOR: Q. Is there any other matter which you would like to tell us of? A. That is only an illustration of the responsibility that sheriffs have, and the more work they have to do, of course the larger their fees are, but the responsibility and liability increase in proportion. So that, when it is said that a sheriff has a very large income, as one or two of the sheriffs of Ontario may have, I think it is a full and complete answer to say that their responsibility is proportionately great. If the Government should see fit to put us on salary, it ought to limit that liability. In fact, I never could see why sheriffs should not be protected the same as magistrates are. There is an Act protecting magistrates in the performance of their duty, and, as a sheriff is merely the executive officer of the court, is ordered to do certain things and is forced to do them and would be liable to an action if he did not do them, I think he should be protected in the discharge of that duty. If that were done, and it was thought advisable that the fees should be funded, I am sure I should be willing to accept a reasonable salary, rather than be paid by fees.

Mr. ROBINSON: Do you know whether that system obtains in any other country?

The CHANCELLOR: Nowhere are they protected and nowhere are they paid salaries. I suppose it is because it is an unknown quantity.

WITNESS: With regard to the appointment of sheriffs, it seems to me that that scarcely needs discussion. I cannot think that anyone would advocate, in this county, the popular election of sheriffs any more than they would the popular election of judges. In fact, I think the one would lead to the other. I think it would be simply the first step in that direction.

Mr. ROBINSON: In your opinion, is the responsibility of the registrar of a country less than that pertaining to the office of sheriff? A. Very much. I do not think there is any comparison.

Q. Did you say that in your opinion none of the registrars are paid a larger sum than they ought to be paid? A. I do not think they are paid more than they ought to get. I think that $3,000 would be the maximum now under the new law.

Q. Is our registrar limited to $3,000? A. There is no maximum fixed, but the percentage allowed, I think, would not amount to more than $3,000, even in Toronto.

The CHANCELLOR: That is the city registrar? A. Yes. A very few outside the city have that sum.

Q. Between $1,500 and $2,000? A. Yes.

Mr. HOBSON: Q. What have you to say about the appointment of license commissioners? You have had in Toronto, no doubt, an opportunity of forming an opinion upon that matter? A. The change in the law, taking that power away from the municipal councils, and vesting it in boards of commissioners, took place the first year that I entered public life. That was in 1876. At least it was my first session. I was elected the previous year. The change was in 1876. I can distinctly recollect the old system; it was a great failure. I have scarcely ever met anyone on either side of politics who was opposed to the liquor traffic, who did not heartily endorse the change. Without regard to party predilections, they have been unanimous in endorsing the license commission and opposing legislation going back to the old system.

Q. Are temperance societies still of that opinion? A. I think they are still of that opinion.

The CHANCELLOR: The objection made is, that there is a power which may be exercised by the commissioners in granting or withholding licenses, which is an evil influence in the system. It is alleged that is the case and it is said that the effective administration of the liquor system now is greatly owing to the changed state of public opinion with reference to drinking. Suppose it were not given to municipalities, but suppose the board were to consist of appointees, one appointed by the county judge, one appointed by the warden and one appointed by the government inspector, the inspector of offices or some provincial officer; how would that work do you think? You would have the Dominion represented in one way by the county judge, and the warden would nominate one representing the county and the Provincial Government would be represented by its nominee? A. I think that certainly would be preferable to going back to the old system, but I am a firm believer in responsible government and I think that boards of commissioners appointed by the Government, for which the Government is directly responsible, is much more in accord with the genius of our institutions. That would be my view. I know it has been charged that that power has sometimes been used politically. All I can say, I have never known it to be so. For 14 years I represented the north riding of York in Toronto. I was elected by a large majority on four different occasions and I never passed through a contest in which the majority of the hotel-keepers of the riding were not opposed to me, so if that power had been used or attempted to be used, the result certainly would have been different.

Q. What do you think of this, that all these officers we are dealing with here should be prohibited from active participation in election matters? A. I think that would be right.

Q. Not take away the right to vote, but any action interference in politics? A. Yes; they shoued be prohibited from an active participation in election contests. I quite indorse that.

Mr. HOBSON: Are you distinctly in favor of the license commissioners being appointed by the Government? A. Yes.

The CHANCELLOR: You think there is a better result and it is more in accordance with our constitution? A. With regard to the appointment of Division

Court clerks and bailiffs, I was in the House during the agitation that brought about the change, and knew a good deal about it at the time. I knew something also, in my own county, of the way the system worked previous to the change, when the judges had the appointment. I differ from Judge Dartnell with regard to his views on that point. I think we have very much better officers now than we had under the old system. Anyone that knows the county of York and can recall the officeholders of 25 years ago, will agree with me that there is a very great improvement. An improvement so marked that no one will mistake it.

The CHANCELLOR: What led to the change? A. The popular demand. A feeling that it was more in accordance with responsible government. Judges were irresponsible.

Q. Were any appointments made that were unsatisfactory? A. Yes. I have read in the papers, the evidence of gentlemen, who have advised the Board with regard to the appointment of deputies of registrars and sheriffs. I think some of them went so far as to say that there should be some outside influence in the selection. One gentleman, at least, thought the salaries of those should be fixed. Suppose the present system were continued, I do not think anyone who has given it any consideration would think, for one moment, that it would do to allow any independent authority to appoint the subordinates, either of a sheriff or registrar, or to fix their salaries. I quite admit, and think it is right, that there should be a general supervision by the government officer, and if any unfairness was being done by a sheriff or registrar, there should be some power as to salary. One suggestion was that the deputy's salary might be left to the county judge, or to a board. Another suggestion was that it should be left to a county judge alone. I do not think that that would be right. I think that the head of a department or an office should not only have the appointment of his men, but also, under the present system, have control of the payment.

The CHANCELLOR: Just at that point, where the officer does not receive all his fees for his own use, but has to account after they reach a certain point. There is no check on the amount he pays his subordinates; he may pay them reasonable salaries. There is no check on him preventing him from putting his hands in his pockets, doing nothing and getting in men who do the whole work, and to whom he will pay a large amount. Seeing that the Government are interested in the surplus, ought there not to be some check in this way, so that a deputy of a registrar should not be paid more than a certain sum, say $1,000? A. Yes; perhaps there might be something done in defence of the public interests, in that direction. I think that would be quite reasonable. An efficient government inspector could attend to that.

The CHANCELLOR: There is no reason why in one registry office the expense should be $3,000, and in another $1,200, where the population and circumstances are very much the same. Yet, you have all that sort of anomaly. If that difference exists, there should be a clear statement why. A. Perhaps there is a little difference in the system of bookkeeping. Take the office of sheriff. At the end of a court, his account is sent in to the Government, including, say, the pay of constables. I have occasionally sent in an account to the Government of which perhaps $200 or $300 would represent money actually paid out by me, for which I held receipts of constables. I was simply the accountant. I would just add that to my account, and hand it in to the Government, who would reimburse me. One sheriff would put that on both sides of the account. Another sheriff would not treat that sum as being received, or disbursed at all.

The CHANCELLOR: I was thinking of the registrar's office, where the anomaly struck me. There is no explanation such as you suggest, because they get in an aggregate of fees, and their expenses are so much. In some offices the expense would be $3,500, and in the next county, the expense $1,500. That is an anomalous thing that needs to be cleared up, and put on a right footing, if it is not on a right footing.

WITNESS: I think the inspector should look into that.

The CHANCELLOR: I have thought that if there was a figure given beyond which the additional expense for the office for deputies should not go, and yet, not fetter the discretion of the chief officer to suit himself, it would be a check on the financial interest, which would not fetter him? A. There could be no objection to that.

Mr. ROBINSON: You think, under no circumstances should the appointment of the deputy be taken out of the hands of the superior officer? A. I do not think so.

Mr. HOBSON: Have you anything to say about school inspectors? A. That has not come under my observation very much. I think perhaps the suggestion made is a good one, that the county councils might nominate, but the appointment be confirmed by the Governor-in-Council.

The CHANCELLOR: Just with reference to that point of nomination by the county council, and approval by the Governor, if things worked smoothly, all right, but would it not be a means of giving rise to friction? Suppose you have a council that nominates somebody that the Government would not appoint. Would not there be difficulty in apportioning the authority between the two satisfactorily? If there is to be responsibility in the matter, the whole power of controlling the appointment should go there; but, if you divide the thing is it not apt to give rise to a difficulty? A. There is perhaps some danger in that direction.

Mr. HOBSON: I do not think it has been established that there is very much trouble in that direction. I might say, so far as any knowledge I have with regard to the action of our county council, I think they generally act very fairly. I remember some years ago the present inspector for south York was inspector for north York, and he got into difficulty with a number of people and trustees in certain school sections. The council felt that he was really a good officer, perhaps he was a little arbitrary in some minor matters, but, on the whole, he was an efficient and able officer. They remedied it in this way. The inspector for south York resigned at an opportune time, and they traversed him to south York, and a new inspector was appointed for north York This would show that they had a very fair appreciation of a very good officer, and did not feel like dismissing him, although there was a good deal of opposition at that time in the north riding.

The CHANCELLOR: If there is one good man in a council cannot he generally get things done rightly? A. In a county like York it is very rare that there is one man sufficiently commanding, of sufficient ability, or influence to do that. I think the county council of York has been as free as any county council from allowing politics to enter into their appointments. I know in very many appointments, they have not regarded politics at all. For instance, that is so in the appointment of the county solicitor. It was also the case in the appointment of the treasurer. Both gentlemen were opposed in politics to the majority of the county, but both are efficient officers.

Mr. ROBINSON: Has there been any trouble here, about which Judge Dartnell referred, as to the treasurers defaulting? A. Not in my time. I might say one word further as to county councils having the appointment of these officers. I would be against it. I think it certainly would tend to the introduction of politics. I think you would find, in a very short time, county councils would be organised into two parties, the same as the Provincial Parliament, and that nominations to office would be made and fought out on party lines. I think the party caucus would force that, which is something in my opinion that ought to be guarded against.

The CHANCELLOR: There is a memorandum here from Sheriff Mowat. Perhaps there will be no objections to your hearing it. It may perhaps suggest something to you, or you may think that something should be suggested to us, if you hear it read.

After the letter from Sheriff Mowat had been read, the witness said:

I may say, I heartily indorse that. The greater part of it, I know to be correct, and, in a smaller degree, it would apply to my office as well.

OLIVER DEROCHER, Ottawa, appeared before the Commissioners and was interrogated as follows:

The CHANCELLOR: You have been mayor here? A. Yes, sir.

Q. How long have you been in the council? A. About fifteen years.

Q. You have lived in Ottawa a long time? A. Thirty-three years now.

Q. Have you any opinion to offer about the manner of appointing these officers, whether they should be elected by the people, or selected by the county council, the registrars, sheriffs, and so on. Do you think any change is desirable? A. Well, I do not suppose it is necessary. I did not think the matter over. I was only asked yesterday to come, but in my opinion I think the choice made by the Government is about as good or perhaps better than we would make for ourselves. I am pleased pretty much in toto with what is being done now, under the present system. It may need some little alteration.

Q. If you turned over the thing for the people to vote on, the people in Carleton and Ottawa, eighty thousand or so, to vote on the office of registrar of deeds, do you think you would have a good result? A. I have no doubt we might have a good result, but I do not think it would be any better, I do not think it would be an improvement.

Q. How do you think the election would be run? How would you get the candidates out before the people? A. I don't know. That is a question.

Q Would they take the machinery that is used in politics and run it on that line? A. I am afraid it would pretty much have to be run in that way. It would not be on the qualification of the gentleman.

Mr. ROBINSON: A popular man would stand a good chance? A. Yes.

The CHANCELLOR: It would be run on the usual party lines? A. Very likely.

Q. You would not get rid of the party element, if you took it away from the Government, and gave it to municipalities? A. No, not strictly; you could not get away from the party element. For instance, in the city of Ottawa, the Conservatives might get the best of the other side in appointments. In my

opinion, it being a Conservative city, instead of having officers elected by the Toronto Government, if the people were to elect, of course, they might elect Conservatives, and vice versa, later on the city might come to be Grit, so the political element would have to be worked.

Q. It would be the predominant party that would elect them ? A. Yes.

Q. Then, if it were put into the hands of the county or city councils how do you think that would work as compared with the people electing ? A. I do not think it would have any better effect In fact, I do not believe in the idea given out that all these officers should be elected. Perhaps one or two, like the police magistrate, and a few officers of that kind, might be left to the city or county council, but as to certain officers I have heard of, I do not think it would be advisable for the city to appoint or elect them.

Q. It is outside of the work of the city to attend to ? A. Yes, because I do not see that the corporation would derive any benefit at all.

Q. Nor would the public derive any benefit ? A. No, the public represented by the corporation would derive no benefit, that I could see.

Q. So that there is no reason that you could suggest for having any change in the present system ? A. No, not that I know of, sir.

Q. Then as to the manner of payment of these officials, would you have them receive fees up to a certain amount and account for the rest, as now, or would you give them a fixed salary ? A. Well, to tell the truth, I have not thought the matter over. I do not know exactly how it works, and I would not have any suggestion to offer. I think it is all right as it is.

Q. You are satisfied with things as they are ? A. Yes.

Q. Nothing has come under your observation to show an abuse ? A. No. I do not know that any change is necessary. There may be some office in some part of the province where a sheriff or other officer may not get sufficient remuneration, or enough, according to the service rendered by fees of that kind. Perhaps if they were salaried they might get more.

Q. What do you think would be a reasonable salary for a sheriff not living in the city of Ottawa, but living in some country part, such as Cornwall or Brockville or some of those towns, with a population of about fifteen hundred people. Ottawa is an expensive place to live ; there is more expected of a sheriff in the capital than in county towns of other counties ; but, take all those counties, such as Brockville, or Cobourg, or Cornwall, or Pembroke, any of those places, what would you say would be a fair salary for the sheriff, living in those places ? A. A gentleman qualified to hold the position of sheriff, no matter where, (of course it would vary with the population) but still he must be a qualified person, no matter where, and I do not think he could live on less than $2,500 or $3,000 a year.

Q. In the country parts ? A. Yes.

Q. There are none of them that get near that ? A. That is where the trouble comes in, perhaps, with the question of fees.

Q. If you gave them a salary proportionate to the importance of their office they would probably get more than they do now out of their fees ? A. I do not

think it would be excessive if they got twenty-five hundred or three thousand. If a gentleman is qualified to be a sheriff he must be qualified just as well, in the city, as in the country, and vice versa.

Q. Except that the expense of living might not be as much? A. Of course these are things that we cannot very well control, unfortunately; but, I do not think a gentleman of that qualification could live and occupy the position honorably, under less than $3,000, not less than $2,500.

Q. Then what do you say would be a fair compensation for the registrar of deeds? A. I do not think it is as responsible a position as the sheriff, not so prominent a position; yet, a man qualified to hold such a position as registrar, must hold a certain position in the city, or wherever he is, and he could not live under fifteen hundred or eighteen hundred, or two thousand dollars.

Q. About $1,500 is what they get? A. Then that is little enough for any man who tries to live decently; if he has a family to bring up, he cannot live on less than that. I understand he has to devote his whole time to his business. He has to keep office hours.

Q. About license commissioners, have you any suggestion to make as to a change of the appointment? Do you think the present system works sufficiently well? A. There might be something there that requires, in my opinion, a little change. The city police commissioners are very much on the same basis. The city council with the license commissioners are supposed to help, as it were, the Government, in the keeping of good order with the license men. We are paying the police ourselves, and it seems they have got to perform a certain duty towards these licensed people, and we have not a word to say in the appointment of the commissioners. I have heard a good deal of complaint in regard to those appointments. Of course, I have no complaint so far as I am concerned, but it seems that here in the city of Ottawa they are not satisfactory.

Q. What change has been suggested? A. The party complaining generally cannot get at the proper authority to make their complaint to, and fight it out, as it were, or follow it up. If the city council had a say in it, for instance, the complaint could be heard here.

Mr. Mason: Q. You mean it is more difficult for them to have to go to Toronto? A. Yes; or to get the proper redress. It is more expensive. If the city council were in some way represented on that commission, the council would have to take a hand in it, and have some interest, and a word to say.

The Chancellor: Q. Would you favor the people electing the license commissioners? A. No sir, not altogether. I believe that the people in the country have enough to elect at present, the councils and the members of the Houses. They should have also, confidence in their representative to leave these appointments in their hands; but where people are interested so closely in these license matters, when they cannot lay their complaints to advantage, it being so far away from the parties interested, if they could bring the matters before the commissioners here, where the city would be represented, I think they would be better satisfied.

Q. You mean the commissioners, as a body, may be properly appointed as they are at present, if there was a means of appealing from them so as to get redress? A. Yes; and I think the commission instead of being composed of three, for instance, if it was composed of five or so, would be better. I do not believe the city should have the right to control, or the majority of the board.

Q. As it is now, they are all appointed by the Government? A. Yes; so that the city has no voice.

Q. You would favor a board, say of five, two appointed by the council and three by the Government? A. Yes.

Q. You think that would be a change for the better? A. I think so. It would be a change satisfactory to the people (yet it would bring some embarrassment to the council in choosing) but it is done for the Collegiate Institute.

Q. Would you leave it to the mayor or warden to name them instead of the council? A. I think I would rather have the majority of the council; it is too much of a responsibility for the mayor to take. As I said before the people must have confidence in their representatives at the council board, and whatever they do, either right or wrong, they have to put up with it, and I think if there was a commission composed of five for the city instead of three, for the corporation to be represented by two, it would be better.

Q. How would a board of this kind for commissioners work: One appointed by the county judge, one appointed by the mayor or warden, and one appointed by the Provincial Government? Do you think that would work? A. Well, of course it would come to the same thing. We have a board of commissioners for the city alone, have we not? And another board for the county?

Q. I mean the head of the municipal council, nominating one, the mayor or warden, as the case might be, the county judge nominating one, and the Provincial Government nominating one, having the three appointed in that way. Do you think that would give better satisfaction than the present? A. I think I would have no objection to seeing two appointed by the Government, and one by the council.

Mr. Robinson: Q. One out of the three would give the corporation a fair voice? A. Yes. Anything wrong with the administration, for instance, of the license inspector, the men under him, or the city police force, then we would have a voice.

Mr. Mason: Q. And the city would have a representative who would know what was going on all the time? A. Yes; and as we are supposed to take an interest in this matter, and we have no voice at whatever.

Q. There has always been that trouble as between the police force and the commissioners, the license commissioners thinking the police did not do their duty properly, and the police having the idea it is the license commissioners' duty to follow up the infractions? A. Yes. It may be the law is all right, and pretty well defined, but it seems to me the law does not define particularly enough the duties of the inspector and the police force. My opinion is, I do not think it is right that the police should do certain work they have done heretofore, and it seems that they have got to do it, and they are instructed to do it by the police magistrate.

Q. I suppose, because it is understood that it is part of a policeman's duty to notice infractions of the law, no matter whether in liquor or in anything else? A. Yes, sir; but there is a friction of authority between them.

Q. Then, there is a feeling as between the police department and the license commissioners' department that crops up every now and then? A. Oh, yes; the license people do not seem to like it either. They think it is not the

duty of a policeman to go and sneak in as they call it, and try and trap them. It seems to me that the authority is not defined. They do it because they are told to do it by the authorities, under whom they have to work.

Mr. MASON: Then, I suppose the temperance people take a hand in it, and they do not think the police or others are doing what they ought to do? A. Yes; that is the cry every day.

JOHN P. FEATHERSTON, Ottawa, appeared before the Commissioners and was interrogated as follows:

I am deputy clerk of the crown, clerk of the County Court and registrar of the Surrogate Court.

Q. How long have you been in office? A. Since 1879.

Q. Before that, were you in any office under the Government, or under a municipality? A. I was in no office under any government or municipality.

Q. Did you ever occupy any municipal office? A. I was in the city council as alderman and mayor. I was mayor in 1874 and 1875. I have served as water commissioner and on the high school board and on the collegiate institute board.

Q. You have a variety of duties in your office, clerk of the County Court and deputy clerk of the High Court, and registrar of the Surrogate Court? A. Yes.

Q. How do you find your time occupied in those duties? A. My time is occupied, I may say, incessantly from morning until night. The office opens at 9.30 and it closes about half past four, and sometimes five or later.

Q. Then you do all the work yourself, without any assistance? A. Oh, no; I have two assistants. I could not possibly do it all myself. The duties are conflicting, and have to be simultaneously attended to in several places. I have one assistant and a type-writer.

Q. Those you choose yourself? A. Yes.

Q. And pay out of the fees? A. Yes; subject to inspection.

Q. And that is required for the purpose of keeping and entering up books and keeping records? A. My clerk generally makes the entries in the books every morning, and attends to the general business in the office, such as attending to inquiries, making searches and answering questions, and preparing surrogate papers. He is always there except during the hour from 12 to 1, or during holidays, or unavoidable absence. I generally attend to all the other business, such as taxations, signing judgments, certificates, examinations, references, examination of surrogate papers, general supervision, and sittings in court or chambers. Of course, when I am in court or chambers, it is absolutely necessary that I should have someone in my office downstairs. When the court is sitting I do not go into the office to work at all, except late in the evening or early in the morning, or sometimes at the mid-day adjournment. The court sat from 40 to 50 days last year, and frequently to near midnight.

Q. Does any of your salary come from the municipality? A. No; it is all derived from the fees in suits, filings in County Court, fees in the Surrogate Court and salary from the Government.

Q. You get a salary of $600? A. No; $450 as deputy clerk of the crown. All the business of the deputy clerk's department except examinations and references, and the entering of cases is paid in stamps, and I get $450 for the work done.

Q. Is the amount of stamps in excess of that? A. Yes; it is much in excess of that. As deputy clerk I get the fees for examinations. They are principally taken after the statutory hours. If I did not get these fees many of the examinations would go elsewhere.

Q. That is not brought into your return, is it? A. It all goes into my return, except references made to me personally.

Q. But the fees are all paid either by the crown or by the suitors? A. The salary by the crown, the fees by the suitors or other parties doing business with the office.

Q. Or by the estate in the Surrogate Court? A. Yes.

Q. So that the municipality contributes nothing to your expenses? A. The municipality contributes nothing to my expenses, except that it pays for the books required in the County Court. It provides an office, light, heating, etc. The books amount to $25 a year, perhaps, on an average.

Q. Do you express any opinion about the appointment of these officials, or any of them? A. I certainly think the appointment should be as it is now. I do not think it could be improved on. In fact, I think appointments made as proposed by some, by election, would be very injurious to the character of the officer, and therefore very injurious to the public. The officers now appointed by the Government are directly responsible to the Attorney-General, who is responsible to the Assembly, which is responsible to the electorate. If the Government makes a bad appointment it generally hears of it, and if it makes a series of bad appointments I suppose it would be materially weakened.

Mr. Robinson: But, from your experience in city councils you would not have the appointment made by a council? A. Well, I think I may say in regard to the city council here, that its appointments have been fairly good.

Q. That is as far as their own treasurer and clerk is concerned? A. Yes; for their own service.

Q. But, speaking of some of these offices, such as registrar and sheriff? A. I do not think I would give the appointment to the city or county council. I think the Government is better able to judge of the duties of the office, and the qualifications required in the individual that they are called upon to appoint, than any city or county council could be; I say so with all due respect to the councils. I do not suppose there is any council that knows much about the duties of my office, or what kind of man should be required to discharge the duties. I believe the Government does take these matters into its consideration before making an appointment. In my opinion it is more likely to do so than any local council.

For the judicial officers to be appointed by the city or county council, or to be elected by the whole electorate, I think would be a bad thing for the business of the country. The appointee would lose a good deal of independence which he now has, and confidence, that, when right, he will be sustained. He would be liable to be influenced, and unless he were a man of very strong character, he would be hindered in the discharge of his duties.

I do not think we are, strictly speaking, county officers. I do not consider myself a county officer. I consider myself a judicial officer, appointed by the Provincial Government, to carry on certain judicial business in the county. I am of a decided opinion that I should be appointed by the Provincial Government and placed under the direct control of the Attorney-General or of an officer appointed by the courts. If the appointment of a judical officer is made by a local council, or a general electorate, the control over the officer will be weakened, and probably at various times, a conflict will arise between the electors and those appointed to inspect and control the officer.

Q. You are a provincial officer in the county? A. Yes.

Q. And not of the county? A. No; and those who do business with me belong to the whole province. It is not alone the city of Ottawa and the county of Carleton that pay the fees of my office; they pay a large proportion, but I do not think they pay more than about half, and perhaps a little more, and of that the city much more than the county.

Q. You mean the suitors? A. I mean that the suitors and others doing business in my office are from the whole province, and that those interested in the office belong to the whole province, and not merely to the city of Ottawa or the county of Carleton. Certainly, I think, the body best able to represent the suitors, and those interested in the office, is the House of Assembly, which represents the whole people of the province.

Q. Then how about the payment of salaries or the receipts of fees? You account after a certain amount at present? A. I do not think you can improve upon the present system. We are paid by fees. If the fees are in excess, the Government takes off a percentage. The percentage has been increased very much, and if the fees still continue to increase, the Government can, if it thinks proper, increase the percentage. I think, if the officers were paid by salary, there would be a tendency, so far as my office is concerned, to what I might call disintegration. If I or my successor receive a fixed salary, there will be no special incentive to keep the work of the several courts under one officer. The tendency now is to bring into the one office all that can be brought; to do as much work in the office as can be done. I represent as clerk or registrar, three different courts. If I were paid by salary, the attempt would be made, I think, to divide up the offices, and to appoint a separate officer for each court. In fact, I am convinced that in a few years' time that would be the effect. The consequence would be that the Government would, instead of having to deal with one officer, have to deal with three officers and their assistants, and office expenses.

I can see, very easily, how applications could be made to divide my office, and that within a few years' time, and have additional officers appointed, and I think that would be the effect of the abolition of fees in nearly all the offices of the same class as my own.

Q. Is that the way the public service is generally so expensive where they pay salaries; they take a great many clerks to do some branches of the work, that might be done with fewer hands, if working themselves? A. I think so; I look upon the pay that I receive very much as a payment in proportion to results. I am paid according to the work I do. It is very similar to payment by commission in a commercial business.

If I were paid by salary, I would have no great inducement to work beyond putting in a respectable amount of industry every day. There would be no such incentive as I now have to keep things together. You mention that the Dominion Government pays its clerks in the civil service by salary. I do not think

that any of its clerks are working any harder than the clerks of the Ontario courts, or are, as a whole more efficient than such judicial officers. I do not think that judged together, they are working as hard as the majority of the judical officers of the Provincial Government, especially as the officers occupying similar positions to my own. I think that if the Dominion Government could devise a plan by which it could pay according to work done, the result would be that its system of working would be much better than it is; that its offices would not be as crowded as they are reputed to be; that the men who do the work would be more likely to get better pay, and the men who do not work to a reasonable extent would have to be content with small earnings or to vacate their positions.

Q. The payment by fees, then, in effect, produces or tends to produce greater exertion on the part of the officer? A. I do think it does, honestly; taking human nature as it is, I think the payment by fees causes harder work, greater industry, and certainly gives an incentive, as far as my office is concerned, to keep the business together in one office, and thus cause an important public economy.

Q. Now, the writers say, about those taking fees, that there is a liability to extortion. Is there any possibility of extortion in the case of the reception of fees in th Government offices here? A. Speaking for my own office, I do not think there is the slightest possibility of anything of the kind occurring. There is a fixed tariff, which is open to all the world. Every solicitor sees it. The solicitors, principally, almost entirely do business with my office. A person from the general public comes in and makes a search, now and then, for which he pays ten cents, or occasionally files a chattel mortgage, for which he pays fifty cents; these charges are well known. All the other charges are, except in very rare instances, made to solicitors, who know the tariff just as well, and better perhaps than I, or many of the clerks. I can speak from experience, that they are not at all likely to pay one cent more than is justly called for.

Q. So in the case of the registrar of deeds, the fees are well understood, are they not? A. Yes; I imagine they are. There is a tariff open to all.

Q. There is no liability to extortion there? A. No; I don't think so. Then, there are the inspectors. There are two, Mr. Jackson is one, and Mr. Fleming is the other. They can come into my office whenever they like. They come into my office without warning. I generally know about the time Mr. Jackson will come. He generally comes during the long vacation, but the date when he will come I do not know. Mr. Fleming may come at any time. They examine any department of my office they wish, take any papers they think proper and examine them, and so on. In the surrogate papers, Mr. Jackson when he comes, goes through them from the beginning of the year to the end. The local registrars are especially under Mr. Fleming. The deputy clerks under Mr. Jackson. Mr. Jackson will come here next year. He will commence at the first of June, and he will go through every one of my surrogate papers, from that date, and examine them all thoroughly as to the stamps affixed, and the charges made. If there is any deficiency in the stamps, he requires me to make it good. I attach a memo. of charges to every set of papers; Mr. Jackson examines the memo. And sees that the charges are correct. The charges have to be entered in a book, and the book is open to public examination; an itemized statement of charges is furnished to every one doing business in the Surrogate Court.

Q. Mr. Jackson is a very thorough man? A. Yes; I do not think it is possible that any extortion can exist under the inspection of Mr. Jackson and Mr. Fleming. We are liable to make a mistake, like other people, but the mistakes are trivial and more frequently, in my opinion, against the officers than in their favor. They do not amount to much in the year.

Mr. ROBINSON: Q. Payment by fees gets very much exaggerated in the eyes of the public? A. I got paid last year about $2,600 odd. Of course, that was the net payment.

Q. For all your offices? A. Yes.

Mr. MASON: Q. On what grounds do the Government give you $450 per year? A. That payment has existed a long time. It is by statute. The Government can increase the sum, if it thinks proper. The fees I think, before my time used to be partly paid to the deputy clerk in cash. The Government took the whole of the fees and gave a salary to the clerk in lieu of his share of them. The fees in the High Court are paid in stamps. The stamps are put on the papers.

The CHANCELLOR: Q. Your account would be reduced by this new law. You have to account? A. The percentage this year is more than double what it was last year.

Q. Taking $2,600 last year, supposing the percentage of the present system would apply to that, what would it reduce your $2,600 to? A. To $2,420.

Mr. MASON: Q. Last year you returned $75? A. This year, I pay 10 per cent. on all sums over $1,500 to $2,000; 20 per cent. upon sums from $2,000 to $2,500, and 30 per cent. upon all sums over $2,500 to $3,000.

Q. Does that apply to the total, or to each office? A. That applies to the total from all offices.

Q. The net total or gross total? A. The net total.

Q. The net total last year was $2,625? A. Yes.

Q. Of which you paid the Government $75? A. Yes.

Q. How would that work out this year? A. If the amount this year should be $2,700, from $1,500 to $2,000 would make $50 to the Government; from $2,000 to $2,500 would make $100 to the Government; that would be $150. Then, upon the $200 over the $2,500 I would pay $60. That would be about $210 to be paid by me.

Q. And that would leave you then, about? A. About $2,490.

Q. Instead of $2,700? A. Yes; about that.

Q. How do you arrive at the division of your disbursements in the different offices? I see two of them are exactly the same. Does that mean you divide the salaries? A. Yes, sir; I make an arbitrary division. I cannot do otherwise; I pay my assistant clerk $600, and I pay my typewriter $312. That is $912. And then I have to divide that up as I think best. They work in all the three different departments. My clerk is a stenographer, and I allow him fifty cents an hour extra for all examinations taken in shorthand. I give him other privileges. He sometimes, though not often, works as stenographer in other offices, and in the County Court.

Q. What other expenses are there besides these two salaries? A. Stationery is quite an item, and printing and postage.

Q. It figures up altogether to about $1,050? A. Yes; salaries, stationery, premiums on guarantee bonds, etc., I can give the statement in detail.

Q. You have charged the surrogate registrar's department with $529. Why more? A. There is more clerical work in the surrogate department. In fact, my typewriter is employed almost entirely in the surrogate business, copying wills and entering them in the books.

Q. And all these three officers are subject to a return to the Government? A. Yes.

The CHANCELLOR: Q. How much do you think your returns from stamps are? A. In 1893 in the High Court about $1,070, in the Surrogate Court $1,700; this year in the Surrogate Court over $2,000.

Mr. MASON: Q. $789 earnings in High Court?

WITNESS: That is chiefly for examinations in the High Court, and references and payment as clerk of assize. There is also the entering of cases for trial. I received the fees for that. All I mention is included in the $789. The payment as clerk of the assize was last year more than usual owing to the number of important criminal trials.

Mr. MASON: Q. You say the $450 allowed to you was fixed by statute? A. Yes.

Q. Was that done when the other two offices were held by you? A. That was done years before, long before I ever went into my office.

Q. When it was done, originally, do you know whether the original holder of the office did any other work? A. He had the same offices that I have now, and did the same or similar work. There has been no great change except in the quantity and responsibility of the work done. Of course, I am speaking from hearsay, not from knowledge. My predecessor received in cash part of the amounts paid for filings and other matters in the High Court. When that was done away with, stamps were required to be put on, and instead of the cash payments made to him he was given a salary in lieu of the cash which he had received.

Q. Is the return there, of your receipts as county clerk? A. Yes.

Q. Then the salary paid by Government is, strictly speaking, a commutation? A. Yes, I think so; but I am not certain as to the facts.

Q. Rather than a salary? A. Yes. In one sense it is a little misleading to the general public, because a man might say, and very properly, if an officer is getting a total of $4,000 a year for three offices, why should he have $450 from the Government for a particular office? The amount I receive is less than $4,000, and includes the salary. I mean the gross amount.

Q. Say $3,600. So that, as I understand you, it is not so much a salary to you as the commutation of fees that originally were paid to the officer? A. It might amount to that. I speak from hearsay.

The CHANCELLOR: Q. The fees exceed it now? A. Yes. The stamps exceed the salary very much. I think the fees are given in the return.

Mr. MASON: Q. An ordinary layman, looking at that, would say it would seem strange that an officer, who holds three offices, and getting about $3,600, should be paid $450 for one of them? A. It is an old practice. My net income last year (salary included) was about $2,600.

I do not object to be paid by salary, provided the amount paid is fair, in due proportion to the work done, and the responsibility incurred. In fact, if fairly sufficient, I would prefer it. But, nevertheless, I don't hesitate to repeat, with all submission to those in authority who differ in opinion, that, having had some experience in the employment of officers, and having thought the matter in question over in all its bearings, my humble opinions are that the present system of payment by fees, where it can be adopted, for the reasons I have given, is more in the public interest than payment by salary—that the salary system, when applied to those holding offices such as mine, will gradually but quickly increase the number of officers and their assistants and expenses, and require more extended office accommodation, and will, probably, before many years, introduce an expensive system of superannuation, such as is now in force in the civil service of the Dominion.

I forgot, when mentioning my several offices, that in addition to those I stated—after the first day of January next I shall be called on to act as clerk of the newly constituted Weekly Court, a duty which may necessitate some further assistance; for this increased work no additional remuneration appears to be provided. I do not, as yet, complain of this omission, not knowing what the extra work may amount to, but I consider I am entitled to call attention to the fact in giving evidence in relation to my office.

SHERIFF SWEETLAND appeared before the Commissioners, and being interrogated stated as follows:

The CHANCELLOR: How long have you been sheriff here? A. Fourteen years; since December, 1879.

Q. You have lived in the county a long time? A. Yes.

Q. You have not been in any municipal office? A. No.

Q. But have a good deal to do with a good many of them? A. Yes; I have held a great many business positions, and was one of the commissioners to build the waterworks here.

Q. What do you think about the manner of appointing these officers? A. I think, in the interests of the public, they are much better left as they are. It is a delicate matter for an official to speak about matters of this kind, as they refer to ourselves particularly. But I do not think it will bias my mind one way or the other. In the interests of the official, a fixed salary would be decidedly the best. In the interests of the public it would be very much better that the appointment and the fee system should continue just as they are.

Q. Why would you be against election by the people? A. Our experience in appointments made by municipal bodies shows that they do not get the best men. We have good men in all counties, but the best men would be almost certain to be defeated. It is the inferior man who gets the position when they have anything to offer. That is our experience. I think the influences brought to bear upon a small body like the county or city council, are such that it is hard for men to resist. They canvass them individually. I am speaking now of where the appointment would be by the council. There are a great many men who, if approached in that way it would be almost impossible for them to

say no, and having once pledged themselves, would support their man. When appointed by the Government you have a body representing and responsible to the people. In that way you are more likely to get a better class of men, and the permanent system would be much better than if it were only for a term of years that they were elected.

Q. Have you had experience of that in the States in your observation about the elective system? A. Yes; I have met a great many at different places. I have travelled a good deal in the States, and have had many opportunities of conferring with public men, who almost universally condemn the elective system. I have reason to know that in the city of New York the candidate for the shrievalty spends large sums of money to secure his election, and during his term of office expects to be recouped.

Q. Then, about the collection of fees as opposed to salaries; why do you think the fee system as it is is more in the interests of the public—the officers collecting and accounting for them after a certain amount? A. The fee system is more in the interests of the public for the following reasons: If the salary system were to obtain, the natural tendency would be that officers would not make extra efforts to serve the public. They would feel that their salaries were secure, and when the hour for closing arrived they would simply close up their offices and let their clients wait until they were disposed to attend to their business. Under the fee system it is in the interest of all parties that business should be promptly attended to. For instance, a solicitor desires a writ served on a party to a suit. Under the existing state of affairs it is in the sheriff's interests to have it attended to without delay in order that he may secure his fees and in the interests of the suitor that unnecessary delay may not result. Under the salary system delay might possibly occur through it not being altogether convenient for the officer to make a prompt service. In such a case it would inevitably follow that, through lack of promptness, solicitors would find some other method of having their services made, and consequently the fees received fall probably below the amount required to run the office. Business must come to the office, and there is no doubt that by close attention and promptness you do more, and you get more services than you would if you were indifferent. With a man on salary, I think the majority would be indifferent, and it would make very little difference to them what the income was so long as they got their fixed salary.

Q. Have you been exposed to any pecuniary liability in consequence of your duties as sheriff? A. No; I have never lost anything.

Q. How have you been able to succeed so well in that respect? A. It has been a personal matter. I think if the offices are looked after very carefully and cautiously, giving no favors and asking none, that you do not need to get into trouble. That is the rule I have tried to follow. Of course we are liable no matter what we may do.

Q. You require to have legal advice all the time? A. I have a solicitor always in connection with the office.

Q. And you have occasion to refer frequently to him? A. Yes; I refer everything to him. I never use my own judgment where it is a legal point. I always consult my solicitor.

Q. And that expense is one which you have to bear yourself? A. Yes.

Q. I suppose it is in that way that you explain your immunity from loss? You have been very careful. You have taken advice, and protected yourself in every possible way? A. I account for it in that way.

Mr. ROBINSON: From your experience you could hardly conduct your office with success, I suppose, if your deputy was appointed from some other source? A. I would not care to retain office if the deputy were to be appointed by any person but myself. I could not hold him responsible unless he knew that I had the power of engaging him and dismissing him and fixing his salary. I think, as to all these offices, including the Division Court, it would be very much better if the bailiffs and those who are under the chief of the office were subject to appointment by the chief.

Q. That is, by the judge? A. Appointment by the officer; by the head of the office.

Q. That is, all the clerks and all the assistants? A. Yes; and not have them independent. Take my own office. If my constables and bailiffs and deputies were not responsible to me, I could not feel any confidence at all in the work of the office.

The CHANCELLOR: Do you mean in the case of the Division Court bailiffs, they should be appointed by the Division Court judge? A. I think they would be better appointed by the Division Court clerk. They do his work altogether. He is responsible. It is very much the same as it is in our office. The amounts are smaller and more of them, but what little I know of it on general principles, I think it would be better.

JOSEPH KAVANAGH, Ottawa, Ont., appeared before the Commissioners, and being interrogated stated as follows:

Q. You were President of the Board of Trade? A. Vice-President.

Q. Have you been in any municipal office here in the city? A. I have not, sir.

Q. How long have you been living here in Ottawa? A. Thirty-five years.

Q. I suppose you have formed an opinion upon these matters we are discussing, about the appointment of officers, as to whether any change is desirable in the present system, or not? A. I am quite in favor of all these officers named here being under the control of the Provincial Legislature, and being paid a stated salary.

Q. And as to appointment? A. In my own opinion some of the officers in connection with the High Court should be appointed by the High Court of Justice themselves.

Q. That is the clerks of courts? A. I think so. Take Division Court bailiffs. I think they should be under the supervision or control of the head of the office.

Q. Of the county judge? A. Yes; of the county judge. I think the bailiff should be under the control of the chief officer of that branch. As regards remuneration of those officers, I am of opinion that a stated salary would be more in keeping with the constitution of our country.

Q. A fixed sum? A. Yes; but that fixed sum should be perfectly adequate for the position the different officers would occupy. I understand, and have been under the impression, that some of the sheriffs through the province do not get sufficient remuneration to entitle them to occupy the position. Others get amply paid. I think those sheriffs that occupy the position in counties where the remuneration is not sufficient to keep them, should be paid ample for the position they occupy, because I look upon it as a very high judicial office.

Q. What would you say should be a fair average salary for sheriffs in the different country parts, apart from the cities? A. I really have not given that sufficient thought. In some counties the sheriff would require considerably more than in other places.

Q. Where the expenses of living were higher? A. Yes; and where the social standing would require it. I look upon it as a very honorable and important position.

Q. How do you think they should be appointed? A. By the Government.

Q. And in the case of registrar of deeds? A. By the Government also.

Q. And you favor a fixed salary as to them also? A. Yes.

Q. Not so high as the sheriff? A. No; I do not think the sheriff is adequately paid in some of the counties, according to the position they occupy.

Q. Have you any opinion as to license commissioners? They are now appointed by the Provincial Government. Do you think there should be any change in that respect? A. I do. I think the council should have the privilege of appointing one of these commissioners, and that the Government should appoint the other two. I would not like to see the commissioners in any business where they would have an influence over other people in business. I think the commissioners should occupy a position in which they would have no control or no influence whatever over other business people.

Q. Take no part in politics? A. No part in politics, and they should not be engaged in a class of trade where they would have an influence over other people. I think it would be nothing but just that the council should have the privilege of appointing one of those commissioners.

Q. Then, as to the other two, do you know of any better way than having the Government appoint them? Would you favor election by the people? A. No; I would not, sir.

Q. They would be too much under the popular control in that case? A. I approve of the Local Legislature appointing the other two, but the council appointing one. Those commissioners should be appointed so that they would occupy a position where they would not have an influence over other people in trade.

Q. Would you favor a sort of court being established for the granting of licenses? In England the justices there have the control of the license question. It is treated almost as a judicial matter, and is kept apart from all popular influences and politics altogether. Would you favor that instead of the appointment of commissioners from year to year? Would you have a permanent board who would be exempt from all influence? A. No; I hardly think it would be in keeping with our country. I think it would meet popular feeling if it was carried out as I first suggested.

Mr. ROBINSON: You would have one representative, at any rate? A. Yes; one representative from the city or county, wherever they were, but I should certainly insist on the person receiving the appointment not occupying any position where he would influence other people in trade.

Q. Is that not pretty hard to find? A. I think it can be overcome.

The CHANCELLOR: That is, choosing people in particular walks in life? A. Yes.

Mr. ROBINSON: No salary attached to it? A. I would advocate that they should have a small remuneration for their services—so much a meeting.

The CHANCELLOR: As to any of these officers, would you favor election by the people? A. No, sir.

Q. Or giving it to the county councils? A. No, sir; I think we get better officials by the present system.

Q. Is that your experience from observation? A. I do not altogether approve of the American plan of election to different offices. I do not think it would meet the views of the majority of the people of this country. I think our laws are better carried out, and that we have better officers.

Mr. ROBINSON: Have you noticed the mode of election in the States? Have you been there when there was an election? A. Not of recent years. I have watched affairs there pretty well, and I do not feel any inclination to change from our present mode of appointing them.

The CHANCELLOR: Is there any other matter you would like to speak of that we have not asked you about?

Mr. ROBINSON: As to sheriffs and registrars, would you make any change in the appointment of their deputies? Would you leave these appointments entirely in the hands of the sheriffs and registrars? A. Certainly; I think the deputies would do their work better.

Q. Some allusion has been made to the smallness of the compensation to these different deputies? A. Yes.

Q. You would not like to see that interfered with by the Government? A. No; if it was a stated salary I think the sheriffs should have the appointment of the deputies. I do not think there is anything else I desire to say.

CHARLES MAGEE, Ottawa, appeared before the Commissioners, and was interrogated as follows:

The CHANCELLOR: Q. You are the President of the Bank of Ottawa? A. Yes.

Q. And have lived here a long time? A. Yes.

Q. Have you ever gone into municipal life? A. A very short period. One year I was alderman.

Q. You have, perhaps, formed an opinion that you will express to us about the appointment of these officers, or any of them. Do you advocate a change? A. I have looked over these questions, and with the exception of the Division Court clerks and Division Court bailiffs, the last two on your list, I would not make a change in the mode of appointment. I think the Provincial Government

have a greater sense of the responsibility, and are more likely to make better appointments than by any other method I know of. As regards the appointment of police magistrates, I believe the appointment is in the hands of the Provincial Government. I think they should be precluded from practising law, and should be paid an adequate salary for doing the duties of the office, and if the work is not sufficient I would see no objection to their acting as corporation solicitor or counsel, or as a salaried officer under the corporation.

Q. Having the police magistrate the corporation solicitor also? A. Yes; I think in some instances that would do very well.

Q. Then the city revenue would pay the officer? A. Yes.

Q. If there was an increase of salary you would put that on the city? A. Yes.

Q. And preclude him from practising unless he practised in the interest of the corporation? A. Yes. With regard to the license commissioners my opinion is very much the same as the last gentleman who gave evidence, that I think the corporation of the city or the county getting a portion of the revenue should have some say in the appointment of the commissioners. I think that either that body or the board of police commissioners in cities should have the appointment of the inspector. I would not leave it in the hands of the Government at all. Whilst we have nothing to complain of locally I understand there is a good deal of complaint in many parts of the country about political influence getting into these offices of license commissioners and inspectors, and with regard to men being appointed license commissioners who are in active business. I think it is not desirable that men in active business should be able to exercise undue influence over the license holders or applicants for licenses.

Q. It is a peculiarly difficult duty they have to perform with reference to the granting of licenses, which may be the means of a great abuse? A. I think they ought to be paid.

Q. So much a day, for instance? A. Yes, or so much a meeting, or something of that kind.

Q. Then Division Court bailiffs and Division Court clerks? A. I would have those appointed either by the county judge, or by a board composed of, say the two county judges, where there are two, and the warden of the county.

Q. What would you gain by that? A. You would be more likely to get a better class of men for the position, and they would not be subject to political influence. At present they are appointed by the Provincial Government, I understand. It practically means being appointed by one man, the local member for the constituency, if he is a supporter of the Government. The license commissioners are really appointed by one man.

Q. There are a good many of these in one county, Division Court clerks and bailiffs, and it is all the more needful that they should not be under the influence of one man. A. Oh, I think so. Of course there might be some mode of forming a board that would be an impartial board, and capable of selecting good men.

Q. Before it was all in the hands of the judge; it was taken from the judge and given to the Government? A. Yes. Sometimes it was thought he appointed members of his own family.

Q. Then about the manner of payment of the officers? A. I think they should be paid by salary, and graduated according to the duties and importance of the office, and I would pay their deputies by salary also.

Q. Pay the deputy by a fixed salary, and not leave it to the officer to say what he should give? A. I think the salary should be graded in the same way as the head of the office.

Q. Then would you have the choice of the assistant left with the head of the department? A. I would.

Q. But would you regulate the salary? A. Yes.

Q. Then why do you think a fixed salary would be preferable to the receipt of fees, as now, up to a certain amount, and a percentage on the surplus? A. Well, in the first place, I think there are some of the officers overpaid, and some, I think, in the sparsely settled or less important counties, for instance, are underpaid. I would have a fixed minimum salary for a sheriff or a registrar, and a maximum also in accordance with the importance and the receipts of the office. I would endeavor to make the fees support the office, but I would have these appointees considered as revenue officers, reporting directly to the provincial treasury. For instance, if they collect moneys deposit them in a local bank to the credit of the provincial treasury.

Q. They would be just collectors of revenue for the Provincial Government, and would get their stated salary? A. Yes.

Q. It has been found, where that principle has been applied in a modified form, the principle of commutation, and a fixed salary given, based on the receipt of fees for a few years preceding—it has been found in many cases that the fees have fallen off after the fixed salary has been given, and the argument is that the officer is not so alert in the discharge of his duty, does not collect so many fees, as he is not getting the benefit of them, as he did when receiving them for his own use, so that it is said the Government suffers? A. I have not heard anything of that kind, but I do know this, that there is a difference in the way these tariffs of fees are construed.

Q. That is, by clerks of the peace, and so on? A. We have no complaint locally. The offices are well filled. But I know lawyers have told me, when they have certain documents to be registered or searches to make, in some counties outside of Ottawa, that the tariffs vary. It just depends on the style of the man, whether he is very avaricious or not. Sometimes the fees are strained and made larger than in other places. I think the cost to the public ought to be made as low as it is possible, and that the fees should be uniform.

Q. Of course, the public paying the salaries, ought to be compensated by the litigants and others, who get the benefit of the service. Fees should be collected, and as far as possible, go to defray expenses? A. Yes.

Q. If you take the fixed salary plan, if you had a periodical revision of the salary, every five years or so, having regard to the amount of fees collected in the interval, you would accomplish what is wanted by making the officer vigilant, and, at the same time, give him a fixed amount? A. Yes; I think that would be a good plan. In the Customs Department they have different grades. A port is in class A or B, as the case may be, according to its receipts, and the salary for the collector is regulated accordingly, and the same with post masters.

Q. And then promotion comes according to efficiency of service, promote one from a lower place to a higher one, if he shows fitness? A. I do not think in these offices it follows. They are sometimes filled from political motives.

Q. Your plan would be to put the whole together in the nature of a large business concern, a large corporation, or something of that kind, where the officers would get salaries, and do the work? A. Yes.

Q. Then, how would you apply that in the case of Division Court clerks and bailiffs, where the amount of fees received is perhaps within $100, in many cases? Would you let them receive the fees without salary? A. I am not familiar with the working of the Division Courts at all, and I really am not competent to give an opinion.

Q. Take the case of a set of officers, the Division Courts, I think, is the only class, where the fees are not enough to make a living salary; in that case, would you give a salary? A. I think, in that case, I would give a smaller salary.

Q. And let the fees still be funded? A. Yes; I do not see that there would be much objection. With regard to the master in chancery, of course, there is a difficulty there, the appointment being with the Provincial Government, and the County Court judge being under the Dominion Government, but if those two offices could be combined, I think it would add to the efficiency of the court very often.

Q. There is a provision in the statutes now, that in cases where there is a vacancy, the county judge becomes the local master, unless the offices are kept separate. But in many of the counties the county judge is the local master. A. Has the law taken effect?

Q. Yes. In the larger offices, such as London and Ottawa, it is thought the remuneration is too great to go to the county judge. In Stratford, for instance, the county judge is the local master, and in many of the other places? A. I think it would regulate that if you abolish the payment by the hour, or the fee system. I think it leads to costs to the litigants. Appointments are made at the master's office, and a great deal of time is lost.

Q. Judicial officers, who profit by the length of proceedings, ought never to be paid by fees? A. No.

Q. I agree with you there. Of course, there is enough work here to give the master a full occupation, and let him be paid by salary? A. Yes. If the two offices were combined, it would enable the Government to give a larger salary, and get a better class of men.

Q. You would want the Dominion and Provincial Governments to join hands, and work in harmony? A. Yes

Q. A great many of the county judges, who are appointees of the Dominion Government, have also become masters, under the Provincial Government? A. I was not aware of that, although I knew the law had been changed to allow it to be done.

Q. You think that all should be paid by salaries? That would apply especially to county attorneys and clerks of the peace? A. If they are in receipt of fees, I think they ought to go directly to the provincial treasury, and that the officers should be paid by salary.

Q. Is there any other matter you wish to touch upon? A. No.

Mr. ROBINSON: Q. As to the appointment of deputies of registrars and sheriffs, if they were paid by the Government, would it make them a little too independent of their master, or the head of the department? A. I favor their appointment by the head of the department. The head of the office would also have the power of suspension.

Q. You think he would have sufficient control over him? A. Yes.

Q. From your experience as a banker, how do the salaries attached to some of your offices or agencies compare with the salaries that the Government pay?, A. I suppose you would compare a bank manager with a government officer, such as a registrar?

Q. Yes, in some important places. A. Well, I fancy the registrars and sheriffs receive more than bank managers would in the ordinary way. That is, taking branch managers. But, the heads, for instance, and general managers, or the assistant managers, are paid very liberal salaries.

The CHANCELLOR: They are very much ahead of the government officers? A. Yes.

Q. What would you say would be a fair salary for these officers; have you formed any opinion, taking registrars and sheriffs? Ottawa is not a fair example, because it is a very responsible position, as compared with outer counties, like Renfrew, Perth, Brockville, and other places. But, take the sheriff in the ordinary county, with a population of 40,000, what would you say would be a fair salary? A. I would consider the importance of the office. It ought to be the highest office.

Q. It is the highest office? A. Yes, and I would pay no salary less than $2,000 in any county.

Q. That would be the minimum salary? A. Yes; that would be the minimum sum.

Q. And a gradation according to the importance of the work, the responsibility, and the expense of living? A. Yes; I would not think that from $4,000 to $6,000 for the largest centre would be too much.

Q. Then would you hold him responsible for defaults by his bailiffs and deputies? A. If he has the appointment, certainly.

Q. As to sheriffs, you would commence with $2,000 and range up to $4,000 and $6,000? A. Yes.

Q.. And registrars? A. I would fancy about 25 per cent. less.

Q. $1,500? A. That would be the minimum. Of course, in cities, they ought to get double that.

Q. Going up to $3,000? A. Yes.

Q. Then, as to the clerk of the court, who is also deputy clerk of the crown and, in some cases, deputy registrar and registrar of the Surrogate Court, those duties occupy the whole of the time, and they need skill. What would you say would be a fair salary from lowest to highest? A. Well, I have not much experience of the duties of the smaller offices. I should think the position here ought to be worth $3,000 a year.

Q. You put them very much on the same scale as registrars as to salary? A. Yes.

Q. From $1,500 to $3,000? A. Yes.

Q. County attorney and clerk of the peace, that is a combined office, which is a responsible one, and needing professional ability, although it does not preclude the men from practising? A. I have never been brought into contact with them in any way.

Mr. ROBINSON: You are opposed directly to the appointment of these officers by county councils, or throwing them open to popular election? A. I am.

Q. Respecting the office of either registrar or sheriff? A. Yes.

J. J. MACLAREN, Q.C., appeared before the Commissioners and was interrogated as follows:

The CHANCELLOR: You were called to the bar in both Quebec and Ontario? A. Yes.

Q. How long have you been at the Quebec bar? A. Twenty-seven years; I am still a member of the Quebec bar. I was a member of the Quebec bar for seventeen years, and came to this province ten years ago. I am now a member of the bar of both provinces.

Q. When we asked you specially to speak of this matter, it was about the practice in the Lower Canadian courts as to fees. Perhaps you have some compendious statement yourself that you could furnish without questioning? A. When I received information from the Commission that they desired to examine me regarding the province of Quebec, I put myself in communication with some friends in the city of Quebec, and I have obtained some official statements. I do not know how far they may meet the views of the Commission. If there were subjects upon which you desired to examine me, I might speak of some of the statements I have received, and give explanations, that would make them more easily understood.

Q. It is with regard to the system of funding the fees, and the whole official system there, and the way in which they manage the courts, or do you speak of more than the courts, of registry offices as well? A. I might speak as to differences in the judicial systems of the two provinces that effect the matter of fees, and then as to the various executive offices.

In the first place, in the province of Quebec there are no fees for judicial officers as such. There are no fees for magistrates. Ordinary magistrates serve like grand jurors in the province, without any fees. It is purely honorary and voluntary; no salary or fees. There are stipendiary and police magistrates who receive salaries paid by the Government, but no fees are exacted from litigants or suitors for the payment of the magistrate. The only fees exacted are for the payment of clerks, constables, bailiffs, and the like. These magistrates have, under the local laws, a limited jurisdiction in civil cases, but even in those no fees are exigible. It is a free court. Petty civil matters are dealt with in the rural parts of the province of Quebec by what is called a Commissioners' Court, existing in each municipality, composed of five commissioners. They form a kind of municipal body. It is a Lay Court, having a very limited jurisdiction, up to $25 only. There is no appeal unless they exceed their jurisdiction. Tney decide, as the law puts it, according to "equity and good conscience." There are no fees payable to these commissioners. The clerk of the Commissioners' Court and the bailiffs are paid, but it is a poor man's court.

When we come to the higher courts, the officers of these were formerly paid exclusively by fees, but in the cities of Montreal and Quebec, a number of years ago, the practice of funding the fees, paying the prothonotary of the court and the sheriff and other chief officers, as well as their subordinates, by salaries, was adopted.

Q. Payable out of the fees? A. The fees are funded and are all payable by law stamps issued by the Government. The Government pays all the salaries.

Q. It supplements the fees, or gets the surplus? A. As the case may be. That has applied as well to the sheriffs of Montreal and Quebec for a number of years. They have, within the past two years applied the same system to the registry offices on the Island of Montreal and the city of Quebec. Those are the most populous places. I may say, that this system of funding the fees and paying salaries, was adopted because there was an outcry about the exorbitant salaries that were received by the officers in these populous localities where there was a large amount of business, and where it was supposed that the fees coming to the chief holder of the office were beyond the value of any personal services which he could render.

Q. Then, in the smaller places, the sheriffs and registrars still take fees? A. They are still paid by fees.

Q. Is there any check on what they get? Is there any return similar to what we have here, so that it can be known what they get? A. They are obliged to make annual returns to the Government, and the offices are inspected by an inspector appointed by the Government.

Q. Very much the same as here? A. Very much the same. For instance, with regard to the sheriffs, here is a statement showing a list of the fees received by sheriffs. It is a list of all the unsalaried sheriffs for the year 1893. These, you will observe, are not for counties, they are for districts. Quebec is divided, judicially, not into counties like the province of Ontario, but into judicial districts. which, as a rule, comprise three contiguous counties.

Q. And how would the population of a district compare with ours. Our counties average, say 40,000? A. These vary very largely, but what might be called the minor districts, composed of three counties, I should not suppose many of them would be below 50,000. The district of Montreal comprises not only the city, but the Island of Montreal and some half dozen adjoining counties, so that it is a very large district. The city of Quebec is also a large district, comprising the city and several adjoining counties.

Mr. ROBINSON: Then there are several sheriffs? A. There is only one sheriff for a district.

Q. For that large district of Montreal? A. For the large district of Montreal there is only one sheriff. They have occasionally adopted both for sheriffs and clerks of the court, a system of appointing joint officers, but that is being discontinued. For instance, the appointment of joint sheriffs has been rare. The appointment of joint prothonotaries has been more common.

The CHANCELLOR: Do each of them get a full salary when it is a joint office, or is the salary divided? A. Where the prothonotary is paid by fees I presume they are divided equally. There are some inequalities in the salaries of the prothonotaries. For instance, in Quebec where the joint system still obtains

the prothonotaries receive $2,000 each as prothonotaries, and $1,000 each as clerk of the Circuit Court. That is the court of the lower jurisdiction.

Mr. ROBINSON: What would the sheriff receive as salary in the large district of Montreal? A. The sheriffs of Quebec and Montreal receive a salary of $3,000 per annum each.

Q. Do you think they are subject to the same responsibilities as our sheriffs for any defaults in their office by bailiffs, or misconduct, or anything of that kind? A. I may say that actions for damages for malicious prosecution or false arrest and the like, against private prosecutors, or against officers, are much more rare in the province of Quebec than here. In fact, such actions are hardly ever successful, and much less frequently brought. Such an officer would be held liable in the province of Ontario, when, under the law of Quebec, he would not be.

Q. Then, is his net salary to himself? A. That is a net salary to himself. I have a letter from a friend of mine to whom I applied, in Quebec, upon this point, as to the salaries of sheriffs, prothonotaries and registrars. I will take the liberty of handing it in.

I have also a statement of the fees received by the various prothonotaries, where the officers are paid by fees.

Q. The prothonotary answers to our registrar of the local court? A. Prothonotary of the Superior Court and clerk of the Circuit Court, is the title.

Q. They are equivalent to our registrars in the local places? A. Yes; and I have a similar statement of the receipts of fees by the registrars, where they are paid by fees, in the various parts. I may say by way of explanation, that while there is only one sheriff and prothonotary for each district, there is a registry office for each county, and sometimes large counties are divided into two registry divisions, so that the number of registrars is much greater than that of sheriffs and prothonotaries.

The CHANCELLOR: Q. I suppose the population of these divisions can be got in the census returns? A. By adding the counties. In the registry office you would obtain it at first hand. The code of procedure gives a list of the composition of the various districts. I have also a statement in French, but I can have it translated. This has been furnished by the auditor of the province, showing the expenses of the office of sheriff and prothonotary of the districts of Quebec and Montreal for the year 1893. This also includes the cost of the gaols of these districts.

For instance, in the sheriff's office, Quebec, the salaries of the officers in the sheriff's office proper are $8,600. The salaries of supernumerary employees of the office, those employed in the prison, court houses and so on, is given, and a corresponding statement for Montreal.

Mr. MASON: Q. Does it give the number employed in a sheriff's office, for instance? A. No; I think the number of employees is not given, either there or in the public accounts, where this is given, as well.

The CHANCELLOR: Q. As a rule, the officers are more numerous than with us? A. Yes. In the court house in Montreal, of which I have the best knowledge, the complaint is that political appointments are made from time to time, and people generally charge that more employees are appointed than are really necessary, and that many of those appointed are not the most efficient.

The CHANCELLOR: Q. These prothonotaries of districts, the whole of their time is given to the work? A. Yes.

Q. Does the prothonotary serve in court there? Our County Court is served by the local registrar. Have they that system there? A. They have the same system. There is a County Court called a Circuit Court, one sitting of which is held at the chief place of the district, where the Superior Court is situated. That court has jurisdiction over the whole district of three or more counties. There is, besides, a County Court at the county town of each county, which has jurisdiction over that county alone.

Q. That is analogous to our County Court? A. Yes.

Q. But they have no Division Court? A. The jurisdiction of the Division Court in Quebec is virtually in the Circuit Court, which has jurisdiction down to nothing, and in the commissioners' court, of which I have spoken.

Mr. ROBINSON: Q. These prothonotaries you refer to, are they not allowed to practice their profession? A. Oh, no.

Mr. MASON: Q. Then, about the clerks of the peace, and what we call our county crown attorneys? A. The clerk of the crown and the clerk of the peace are clerical officers in the province of Quebec. He is really the clerk of the Criminal Court Outside of Montreal and Quebec the prothonotary of the Superior Court holds the office of clerk of the crown and clerk of the peace as well, for which he receives a small additional compensation. In Montreal and Quebec and also Three Rivers, an independent officer holds the position of clerk of the crown and clerk of the peace.

Q. And how is he paid? A. By salary.

Q. Do you know the amount? A. My impression is, that the clerk of the peace in Montreal receives either $2,000 or $2,500 per year. I think perhaps it is only $2,000, in that capacity, and he may receive some salary for some other work.

The CHANCELLOR: Q. You have covered sheriffs, registrars, and prothonotaries, and clerks of the peace? A. Yes. The clerk of the peace is the clerk of the Criminal Court in Montreal, Quebec and Three Rivers. They have special officers holding the position, paid by salary.

Q. Do they do the duties which are done by our clerks of the peace? A. Yes. There the civil and criminal cases are not tried together. The Superior Court tries all civil cases The Court of Queen's Bench, crown side, tries Criminal cases. These are never held together or simultaneously. In Montreal and Quebec these courts are held by judges of the Court of Appeal. That is the Court of Queen's Bench. That is the highest court. In the rural districts the Court of Queen's Bench, Crown side, is held twice a year as a rule, in the beginning of January and July, and is presided over by the Superior Court judge in the district, the prothonotary acting as clerk of the peace and clerk of the crown, in that particular court, for which he receives a small additional compensation. I think the judge gets $100 for holding the court, and the prothonotary gets, I think, $100 as clerk of the crown and $100 as clerk of the peace, or some such small sum.

Q. Then, clerks of the peace proper, get salaries in the counties? A. Yes, in the cities of Montreal, Quebec and Three Rivers.

Q. Only in those cities? A. Yes, as fixed by statute.

Q. And in other places they get fees? A. No; the prothonotaries perform the duties and receive a small additional compensation, I think about $200 a year.

Q. So they have no regular scale of fees as we have here in each county? A. No; the prothonotary does the work, except in large cities.

Q. They have the same jury system. He has to do with the juries? A. Yes; with summoning juries in crimnal cases.

Q. And about what are the salaries? A. I have not the details, but I believe the clerk of the crown and clerk of the peace in Montreal, gets a salary of $2,000, and in Quebec about the same. In Three Rivers it is less.

Q. Then has that been changed since the Consolidated Statutes of Lower Canada? The system is given there of the funding of the fees and so on. Has there been any legislation changing it? There has been no consolidation since the consolidation of Lower Canada? A. Yes; there was the revision of 1888, the Revised Statutes of the Province of Quebec in two volumes. It is in the library in the Hall. I think it came into force on the 1st January, 1888.

Q. And has the system been changed since then? A. Not materially. I think the only material change since then is as to registrars. That is in the Statutes of 1893 and 1894.

Mr. ROBINSON: Who acts in a similar capacity to our county attorney? A. There is no such officer in the province of Quebec. There is a crown prosecutor appointed to prepare the indictments and conduct the trials.

The CHANCELLOR: He is a standing officer? A. It is a commission for each term, except in Montreal; on account of the frequency of the courts, it may be looked upon as a permanent office. He is called crown prosecutor.

Q. Then there are no officers there corresponding to our Division Court clerks and bailiffs? A. No; the duties of the Division Court clerk are performed, in very small matters, by the clerk of the Commissioners' Court, in each parish or township. Then, in others, by the clerk of the Circuit Court at the county town.

Q. How are these commissioners' clerks and bailiffs and so on, in that court, paid? A. Their fees are fixed by statute or by order-in-council.

Q. Those are paid by the parties? A. They are paid by the parties. The bailiffs throughout the province of Quebec are appointed by the judges, after an examination as to their fitness and on their giving bonds, so that a litigant or a lawyer can hand his papers to any bailiff and have his choice of bailiffs, in that respect, when there is more than one in a locality.

Q. All those bailiffs are appointed by the judges? A. All the bailiffs are appointed by the judges. There are other bailiffs that are called sheriff's bailiffs, appointed by the sheriffs, who perform his duties, but the ordinary service of papers and the executions, when not handed to the sheriff, may be handed to the bailiff.

Q. Then they are not sheriffs' officers? A. No sir; they are court bailiffs appointed by the judges.

Q. Then the judge is not responsible for their acts? A. No; they are responsible for their own acts.

The CHANCELLOR? Do the Superior Court executions go into their hands? A. Against goods they do.

Q. So that a great deal of work may be taken from the sheriff at the preference of the parties as to bailiffs? A. Yes; in fact, in the large offices in Montreal there is a bailiff almost attached to the lawyer's office.

Q. The bailiffs are paid by fees? A. Yes.

Q. And is that manner of appointment of the bailiff by the judge complained against? A. On the whole, I think it gives satisfaction.

Q. Do the judges appoint any other officers, such as clerks? A. No.

Q. They are all provincial appointments? A. These are all provincial appointments.

Mr. HOBSON: Their clerks of the peace are prothonotaries? A. Yes; except for the Crimnal Court in Montreal. The clerk of the crown and peace is the clerk of assize in Montreal and Quebec for the criminal assize.

The CHANCELLOR: Speaking in the large, do you think their system of administration of justice is a greater expense than ours, or have you any estimate? A. Oh, I think the administration of justice is more expensive in the province of Quebec than in the province of Ontario.

Q. Owing to what? Are there higher fees allowed? A. Counsel fees are not so large. They proceed upon a different basis altogether; say, in civil cases, the attorney has a fixed fee at each stage of the case, which is supposed to cover all proceedings.

Q. I was speaking, rather, with reference to the expense to the Government and not to the suitor. Is that greater on the public revenue than here? A. I was just looking at the public accounts for 1893, and I find that the amount received for fees of officers in those districts, where fees are paid by stamps and funded, and the officers paid salaries, that they appear to have amounted, for the year ending June 30th, 1893, to $174,940.10. The expenses of the administration of justice, that is, the sheriffs' salaries and officers, prothonotaries, clerks of the Circuit Court andclerks of the crown and peace and the Court of Appeal, for the same year, appear to amount to $173,711. Just about $1,200 less than the receipts. I may say, that another difference between that province and this, is that no part of the expenses of the administration of justice is borne out of the municipal funds by the counties, except jurors' fees. All municipalities lying within a given radius from the chief district, may be called upon for jurors, and there is a tax on each municipality towards the jury fund, but beyond that, no other expenses of the administration of justice is borne out of municipal funds.

Q. Then it is put on the suitor, is it? A. It is put on the suitor. The details are not given in this statement, so that I am not able to say whether all expenses are included in that; but, apparently the fees just pay the expenses in those districts where they are funded.

Q. Then the fees must be relatively heavier than here? A. Oh, I think so.

Q. Is there any other matter peculiar to Quebec that we have not touched upon, that you have investigated? A. I think the chief differences have been mentioned.

Q. This system of salaries is confined to the populous districts, where the fees are larger than a fair living compensation would be? A. Yes.

Q. And that is the object in funding and paying salaries? A. That was the occasion of their funding. It was considered to be not proper that officers should be receiving such very large incomes. It was not carried out during the lifetime of certain appointees. The gentleman who held the office of registrar in Montreal for some sixty years, was, I think, originally an appointee of the Imperial Government, before the province had control of these matters. The office in Montreal was very lucrative, and he resisted any change, of course, in his personal interests and that was supposed to be almost a scandal.

Q. The greatness of his salary? A. Yes.

The CHANCELLOR: Q. Then, what do you say about the salary system here, with reference to county attorneys and clerks of the peace. Do you think it would be better to have them paid by salary, than allow them to collect fees? A. Well, I am under the impression that it is not the best system that judicial officers should be paid by fees; I think probably with executive officers, who have the discretionary power of initiating legal proceedings, it may be subject to abuse, and, I think, tend to destroy confidence in the administration of justice. Where they have discretionary powers as to initiating proceedings, and the like, which will inure to their own benefit, I think, of necessity, it must tend perhaps, to bring the administration of justice into disrepute in cases. It opens the door to the making of such charges, even though they are unfounded.

Q, Would your remarks apply to Division Court clerks and bailiffs, and to such people as local masters in chancery, as well as county attorneys? A. I do not know that it would apply to a Division Court clerk, because if a man goes and orders a writ or any proceeding, he does it voluntarily.

Q. The fees are affixed to the duties, and they cannot be very well changed or increased? A. No; I do not think there would be any fair ground for complaint.

Q. And, as to sheriffs, would there be any reason to put them on salaries? Do you think there is more efficient service when a man is paid by fees? Do you think he is more on the alert than when paid by a given salary? A. I think if the sheriff were paid by fees that the public and the suitors would be more likely, perhaps, to have their business well attended to. I think the chief ground for payment of a salary instead of fees, would be that if a uniform system of fees were adopted for the province, that, of necessity, in populous places, there would likely be an income that would be considered excessive.

Q. The paying of a percentage over a fixed sum just as in the case of sheriffs and registrars, and so on, do you think that is a satisfactory way? A. I think, such a combination of the two systems would probably secure the best service for the public.

Q. Then, would you favor fixing the limit at both ends? They commence at $1,500, speaking of registrars. Would you favor fixing the limit at the other end? Not to exceed so much, or would you let them go on and collect as much as they can, and pay a percentage over? A. So far as the services are concerned, I think there ought to be a maximum fixed. If, however, one takes into account perhaps the responsibility for mistakes made by the officials or subordinates,

possibly, that might be a reason against absolutely fixing a maximum, because with the increase in the volume of business, there would be an increase in the liability from that quarter.

Q. That would be essentially so, as to sheriffs, but not so much so as to registrars. A. No; that would apply, of course, more particularly to sheriffs. You mean registrars of the court, and not registrars of deeds?

Q. Yes; registrars of deeds. There is not so much responsibility with them, as with sheriffs? A. There is, however, a responsibility.

Q. I was just going to ask you about the license commissioners in Lower Canada. How are they appointed? Is there a judicial board constituted, or are they nominated by the Government? A. There is a mixed system in the province of Quebec. In rural parts the municipal councils have to approve of all licenses.

Q. The councils? A. Yes, the local councils. In the cities of Montreal and Quebec, there is a board of license commissioners, composed in Montreal of the two police magistrates, or judges of session, as they are called, and the recorder. That is a board of three, and a similar board in the city of Quebec.

Q. In the country parts, it is left to the councils? A. To the local councils, the township, or parish, or village, or town.

Q. Have you any opinion to offer, with reference to our system, the board being appointed by the Government? Should that be taken out of the hands of the Government, and given to some other body? A. I was not in this province when the change was made from municipal officers to provincial officers, but, from all I have been able to learn, as one who is a strong prohibitionist, and who desires to reduce in every possible way the evils resulting from the abuse of strong drink, my belief is, and I think it is the general opinion of those who have the same general views on the question as myself as to prohibition, that the present system is preferable to the former municipal system. The only experience I have had in this province has been while the Dominion License Act, generally called the McCarthy Act, was in force, for a couple of years. That is the Dominion Act of 1883. That is the one that was declared unconstitutional.

Q. That applied the same system, by means of the Dominion, that we now have in the province? A. Yes; except as to the officers. The mayor was one of the officials. So was the warden My experience of the working of that Act was that it was not so satisfactory as the present Act.

Mr. Robinson: Q. I do not think that temperance societies object to the present system? A. So far as I know, the temperance societies, as such, think the present system is much preferable to the appointment of license commissioners by municipal bodies.

The Chancellor: Q. Some objection has been made as to the abuse that might arise from the present system, the commissioners using their position for political purposes. Apart from that, it is said to be a good system. If there was to be a change, how would you favor a board, instead of being appointed by the Provincial Government, appointed one by the county judge, one by the warden of the county, and one by the Provincial Government? Do you think a board constituted in that way, in which both the province and the Dominion and the municipality would be represented, would be likely to be as effective as the

present system? A. That would depend, I think, very largely upon the personnel of the appointment, and I do not see any very great advantage that would be likely to result.

Q. You do not perceive any reason for a change in the present system? A. While I may be somewhat prejudiced, I have a strong opinion, that as a rule, even with the present commissioners, they are more frequently on the side of granting licenses than refusing them. But I may be somewhat prejudiced in that way.

Q. From a prohibitory point of view, what would be your idea of the best composition of the board? A. I do not know that I am prepared just to offer a suggestion as to an improvement in the method.

Mr. ROBINSON: Q. Would you be in favor of having officers voted on by the people? A. My experience in connection with such officers, or executive officers, charged with the administration of the law, elected by the votes of the people, is not very reassuring. You generally find where there is a loose sentiment there will be a loose enforcement, and you have a lax enforcement where really a strict enforcement is most needed. That seems to be the result.

Q. You would not be in favor of that system? A. Not at all.

The CHANCELLOR: Q. As to any of these officers, you would not favor election? A. I do not think that any of the officers of whom we have been speaking should be elected by the people. I do not think it would be in the public interest that they should be elected.

Q. Or appointed by the county councils? A. I cannot think of any of them as to which it would not be a misfortune to have them appointed by county councils. None of these officers have the enforcement of municipal by-laws. They are appointed for carrying out provincial laws; they do not vary in the several localities. I think the Provincial Government ought to appoint their officers to carry out provincial laws. I think the most that municipal councils should have would be the appointment of officers for carrying out municipal by-laws. Where they legislate, let them appoint the executive officers to carry out their own legislation. But I think the enforcement of provincial laws ought to come from headquarters, and really be uniform throughout the province, and not depend upon any local sentiment.

Q. Have you had any experience of election, or local or municipal choosing of public officers, in your long experience? A. Speaking generally, my belief is, and I speak, perhaps, more about the province of Quebec than Ontario, as I am more familiar with it, that the appointment of executive officers by municipal councils has not been at all satisfactory. My belief is that the looseness in administration, and the defalcations, are much greater proportionately than in the case of the appointment of officials by provincial authority.

Q. Was it tried at any time in Quebec? A. These officers of whom we have been speaking have never been municipal officers, but I am thinking of municipal officers, treasurers and such like. In most cases I think there is an absence of a strict audit. There is log-rolling in councils, and uneducated and unfit people are very frequently appointed. These bodies as a rule appoint one of their own number, or one who has been very recently of their own number, and such appointments, I think, as far as I observe, have been on an average below that of provincial appointments.

Mr. ROBINSON: Q. You spoke about the expenses in connection with what you called the poor man's court in Quebec. You stated that the commissioners were paid nothing.

The CHANCELLOR: Q. Do they pay fees to the officers of the court? A. A fee of something like 25 cents for the summons and 25 cents to the bailiff for the service of papers, with 10 cents a mile for his travelling. But these are really like arbitrations. As I say, the law exempts them from following the rules of law.

Q. Would our people care for that sort of court here? A. I do not know. Their use in Quebec varies very much. Perhaps you get a man for chairman who has the confidence of the people, and when they come before him he will settle their petty disputes. In that case the court is well patronized. But in many localities where the appointment of the commissioners does not command the confidence of the people the court very seldom meets. They meet once a month when there is business to do, but in some parishes the court does not practically meet at all. They can still go into the Circuit Court. It is an optional court, and the commissioners are appointed by the Provincial Government. There are three sets of officials in every municipality. There is the municipal council composed of seven councillors, elected by the people, who go in two, two and three; they are elected for three years; then there are the school commissioners, who are elected for school purposes aside from that. Then there are these commissioners' courts. Five commissioners are appointed by the Government. These are the three bodies in each township or parish, and very often the same man is mayor, chairman of the school commissioners, and chairman of the commissioners' court, and if he is a man that has the confidence of the people he largely runs municipal matters, the schools and litigious business of the parish.

Mr. ROBINSON: Q. We have heard that a $25 claim has been eaten up with costs in our Division Court. That could not happen under the circumstances which you have detailed? A. No; where a man of sufficient education and judgment presides in such a court, it is really a boon, in some localities.

Q. Speaking generally, however, the expense for the administration of justice in Lower Canada, that is paid for by the Government, is larger than our province pays? A. It is paid for by the province, or the suitors, but I think the suitors have to contribute a much larger share. Court fees are larger. For instance, stenographers are paid by the parties, and the Government contributes nothing. In civil cases each party pays for the stenographers' charges respecting his own witnesses. All depositions are written out. All examinations are written out and put in. Each party has to put the law stamp on the depositions of his own witnesses.

Q. That is an expensive proceeding? A. Oh, yes.

Q. But each party pays his own expenses? A. Yes.

MEMORANDUM PRODUCED BY MR. MACLAREN, Q.C., AND MARKED EXHIBIT B.

Statement showing the expenses of the office of sheriffs and prothonotaries of the districts of Quebec and Montreal for the year 1893:

Sheriff's office, Quebec,—		
Salaries of the regular officers	$8,600 00	
Salaries of supernumerary office employees, those employed in the courts, prisons and court houses, and contingent expenses	51,612 21	
		$60,212 21
Sheriff's office, Montreal,—		
Salaries of officials in the office	$12,900 00	
Salaries for supernumerary officials, court employees, those employed in the gaol, court house and contingent expenses	101,232 67	
		114,132 67
Prothonotary's office, Quebec,—		
Salaries of officials in the office	$22,405 88	
Payments made to stenographers and contingent expenses	6,335 21	
		28,741 09
Prothonotary's office, Montreal,—		
Salaries of officials in the office	$30,650 00	
Salaries of supernumerary employees, payments made to stenographers and contingent expenses	24,352 59	
		55,002 59

JAMES ANDERSON, Woodstock, appeared before the Commissioners, and being interrogated stated as follows:

I was warden about five years ago. I have not been in the council since. I am in favor of the central Government appointing all the officers that are mentioned on this list.

The CHANCELLOR: Q. Why are you so instead of having the people elect them and changing in that way? A. Well, I used to put it in shape last June here. Where there is a matter of principle involved or a policy involved I am strictly in favor of allowing the people to decide the principle and the policy and the manner in which they are represented. But where there is nothing to do, only the executive work, I am strictly in favor of having a central authority appoint the party that shall carry the executive work out, and make them responsible. I think that is putting it pretty shortly. I have been used to illustrating it, being one of the school trustees. That may be a matter of principle or policy, hiring a male teacher or a female teacher, or a high or low salaried teacher, but when it comes to appointing a sheriff or registrar, a merely executive officer, with no question of policy or principle attached to it, simply the principle of honesty and carrying out the duties of the office fairly and well, it is inexpedient to allow the general public decide that question, for the reason that simply the most popular fellow might get the office and might be the poorest man. But taking a broad general view, where there is a matter, or principle or policy, as I have illustrated, I am in favor of cutting the line simply where the line is drawn.

The Chancellor: Q. What about the manner of paying these officers? A. I am simply in favor of paying on a commercial basis. I simply decide that this way, where the fees are payable to the officer for the purpose of paying, the people that benefit by the payment of the fees, let fees be paid. That is stated as a general principle. I would not undertake to cut this thing short anywhere, coming down to coroners and police magistrates and other parties. But as a rule I should say the people that get the benefit of the services of the appointees, wherever they are appointed, let them pay for it.

And the amount, too, that they should receive, I estimate that on the purely commercial basis. That is simply I have advised the Government or the council or the Patrons of Industry, or whoever settled this business, just simply to pay them about the same amount that is paid to people in the same walks of life for the same services.

I think the sheriff ought to get about $1,500 a year, free of all expenses, and free from any responsibility in carrying out the duties of his office. I should allow him to pay his own deputy and pay him the fees; if there is no scale of fees for that, about $1,000 for a deputy. I would put the registrar at about $1,500 too.

The Chancellor: Q. And give him a deputy also? A. Well, this is another question, it all depends on the work. Give him five deputies if the work was there. And let him pay what he and the Government could decide as being proper. Have his salary subject to the approval of the Government; all salaries subject to the Government's approval. Of course I am putting this thing down to farmers' views. I am a farmer, you know.

The Chancellor: Q. The county clerk and county attorney, how would you arrange that; their duties are very numerous? A. They are very much mixed up. As a matter of fact, the county attorney, whether he is here or not I do not know, but I should very much be opposed to him getting a $20 fee for every indictment he got the grand jury to put through. I have seen too much of that.

The Chancellor: Q. Division Court clerks and bailiffs, would you interfere with them in any way, put them on salary, or fees? A. Understand me, I have said a purely commercial salary in accordance with the business qualifications of the man that holds the office. It is according to every business.

The Chancellor: Q. But in the case of Division Court clerks and bailiffs, where the fees are sometimes not $100 a year, would you put them on a salary or let them just take the fees? A. I would put them on a salary. I do not think a man should be asked to work for nothing. I favor paying by salary all round. Not a small salary; I would give a fairly good salary.

The Chancellor: Q. But these Division Court clerks and bailiffs whose time is not all occupied, would you give them a small salary because they are doing that work? A. I did not bring that in with this, that they were allowed to do other business. That is a question that has got to be considered. I know if a man was allowed to do other business, if the county treasurer was allowed to run life insurance business and a loaning business in connection with his business, I should say the salary should not be so large, but if you cut him down and say he must attend to his business, he should get a larger salary.

Mr. Robinson: Are you in favor of their being allowed to do other business? A. No; I am not. I am in favor of paying salary enough to let them attend to

their business. Except in some cases, and there I would make a difference. There are places that there is not business enough to pay a proper salary to the man and then I would allow him in certain cases, that is in the case of a bailiff, Division Court bailiff, I should not object to his holding an auctioneer's license or some business to go along with his own business without interfering with his public business, but I would cut it short there, in so far as if there was a possibility of being public business enough to allow him a fair living commercial salary to simply cut it off there. It is a hard place to draw the line. I think the law has found it a hard place to draw the line, to allow a man to go on in another business

Mr. ROBINSON: Touching the license commissioners, are you satisfied with the manner of their appointment? A. If the Government is going to be responsible for the administration of the license law they should certainly be allowed to appoint the license commissioners. As far as I know anything about it I should not like to take the office of a license commissioner at the salary they get. I am not all ambitious to fill the office at that price.

As to the county constables, there is a weakness in the country now. If a crime is committed you go to county constables and instruct them and they do not know where they are going to get their pay.

And the coroners, they have to consult with the county attorney, and he is a coroner at large, so to say. He should be able to investigate anything quickly and shortly, and the province should pay them, that is without fighting the county council about little details, about whether he should have done it or not. I should suggest that in every county or every riding there should be a coroner thoroughly empowered and paid by the Provincial Government, and there should not be any fighting, that he should be ready to do his duty at any time, because there are sometimes cases go a little by default on account of a coroner being a little slow in doing his duty, because he was not sure of getting his fees, and he was a little dubious about it. I think that should be remedied. And in the matter of the provincial police, there should be more of them and paid by the province too, or paid partly by the province and partly by the municipality.

JAMES HAY, Mayor of Woodstock, on being requested to give his opinion on the questions submitted, said as follows:

I was born in Woodstock and have lived here all my life. I am at present in the furniture business, rattan ware.

Referring to question 2 on this list, my opinion from observation, both here and on the other side is that the present plan of appointment is without any question most preferable. My experience, and I have had a good deal in the States, for I am largely acquainted with the method of election of officials there, and have had a good deal of experience in the city of New York, leads me to believe there is not a question of doubt as to our present system being the best one. I think that if the facts I know and that are publicly known in the States were known by our people here they would agree with me. In the first place I think that we, by having our men appointed get a better class of men for our different officers. The fact of a man being appointed, and knowing that his appointment is a permanent one, for life, if he exercises discretion and good conduct in his work, seems to be a stimulus that the work shall be done properly. Although in many parts of the States nominally the prices that they receive for their work are low, still I have no hesitation in saying from facts I know that men that get low salaries and are elected, largely make up the decrease in

salaries by methods that would be considered dishonorable and wrong in this country I spoke to a sheriff of a certain town in the States who had to be elected, I think, once in three or four years; he stated that the system was simply a farce. He said that he was elected and it cost him for his election at least one-half of the salary he received for his term, and he did not say, but I know from other sources, that it is a common practice, it is the rule, not the exception, that they recoup themselves for this expenditure from other sources that bear largely and hardly upon that class of people who should not be borne hardly upon, that is the poor and unfortunate and in want. The sheriff had a salary but he had to put up money for his election. It is not a secret, simply an expected thing that it had cost him money, he had to put up the money in some way or other. The system of election in the States is corrupt largely. I think the part that should be done by the Government is to appoint the officials and the Government should be responsible to the people, and the Government cannot be responsible if they have not those men under their direct control.

I furthermore think that the weakened respect for law is largely attributed to this point in the States. It may seem far-fetched to you, but you take the strikes in the States, and you take the disorders and the lawlessness that has occurred in Cincinnati. I remember there when people were killed, when they had to call out the militia in Pittsburg and St. Louis, and lately in Chicago; that is largely the result of a weakening of the respect for law, simply because people feel that they can buy their way through a good deal, and I believe largely the result of the election of officials. If I were in difficulty over there it would cost a good deal of money to get through, but there is no doubt of it, the investigations to-day before the Lexow Commission in the States proves that. I have noticed the papers and saw the things that came up. It shows a state of affairs in New York that would be a disgrace to China. All this is the result of the system.

The CHANCELLOR: All the national offices are voted for on one ticket I think in the States. That is what they are trying to do in New York. One of the amendments to the constitution they are trying to bring in is separating municipal offices from state offices? A. The post office department, for instance, in the States I think is well and effectively carried out. That is largely under the appointment of the President.

Mr. ROBINSON: Are these gentlemen subject to inspection as far as their duties are concerned, or are they more or less independent of inspection? A. I could not give any details about that. I can only give results as I have seen them.

The CHANCELLOR: I think there is no inspection in most of the States. That is the reason they adopted this system of elections and frequent returns, that there might be a check to turn out the man that did not do his work. That is only a check; they do not put him out? A. The law in the States was largely built upon the theory that men in public offices should get very low wages in contradistinction to being well paid. The people have become wealthy and they cannot live on the small salaries.

The CHANCELLOR: The fees they pay there are quite as high as paid here? A. A man should have more to live on there than here in these positions. But take our sheriff and compare him with the sheriff there, they would have about the same salary, but the man over there would expect to get a great deal more out of it.

The CHANCELLOR: I think their sheriffs get more than they do here. It is impossible to get the returns from the offices, you cannot find out as we can here by the returns to the Government how much they get? A. I cannot speak too strongly in giving my evidence of my belief that our system is so far superior that it would be decidedly a retrograde movement in us to go to that system.

The CHANCELLOR: How about the municipal councils appointing, as distinct from elections? A. I think, taking our county council, it would simply be a very extravagant proceeding. The council would sit around two or three days appointing an officer, if there is a great deal of competition. The pay of these county councils is a considerable amount. I do not believe they would get as good officers.

Mr. HOBSON: Would it not be a question of partyism and politics? A. I think there would be a good deal of that. There would be a good deal of feeling created that would be better not created. I know of cases here where there has been a good deal of rivalry for certain positions and a good deal of feeling engendered which would have been better not raised, and the work can be done better by the attorney-general. It is more trouble to him, I suppose, in a way.

The CHANCELLOR Then the other main branch of enquiry is about the compensation. It is not proposed to abolish fees at all, but the thing is how should the fees be applied. Should the officer take them or should they be funded and a fixed salary paid? A. As I understand it to-day our plan is that we give a man a certain salary out of the fees and over and above what he earns goes to some distinct branch of the Government. I think that is a good plan, with a percentage for collection as it were. I think the present system is right in principle. I think it is beneath the dignity of this country to pay its servants parsimonious wages, I think it is a short-sighted policy. Take the county of Oxford, we have built a fine court house, it is in a sense an example of architecture. The workmen on these buildings, if they want to make an example in shorter hours, the Government in England and other places lead in the advance, by giving them shorter hours on these buildings, so the Government is doing a good thing for the country in that respect, and I think the Government should show the example to all other employers of labor by paying their servants well, and I think it is very short-sighted to try and pay their employes poor wages.

The CHANCELLOR: The argument is generally from the farming community who pay a good deal of the expenses of the country, that municipal councils get their services rendered at much lower salaries than government officers are paid? A. Well, of course the case is different. A township clerk's business is dealing directly with a small community in his immediate neighborhood. An officer of the Government of Ontario or of Canada is an agent for a larger corporation, and he should, I think, where he is without his employer so to speak, and I think his compensation should be liberal. There is a good deal of risk and responsibility in respect to a sheriff's position if he makes a mistake. I would consider that a point. Then we want to look at the fact that we want to keep a good class of men in these offices. We do not want men who cannot do anything else. I do not think, so far as it has come under my observation, that the Government pays its men to day more than the same men should get in large business concerns, good business corporations, or they could make just as much in their business if they are in business. I do not think there is any question about that so far as my observation leads me. I do not know as to the details what these men are paid, but I think they should be paid liberally in these positions. I am not, of course,

speaking about judges. The idea of a judge in Canada taking money on one side of the bench is something that we do not see.

The CHANCELLOR: We have heard in some counties that there is an agitation to have a change in the appointment of license commissioners. What do you think of a change? A. I think it should be in the hands of the Government. The Government reflects public opinion and assuming the temperance people who have propagated their ideas to such an extent that they have got a majority of the country and they want to carry out their ideas, it is natural any new appointments they make should be men in conformity with those ideas; to my mind, in sympathy with those ideas.

The CHANCELLOR: Anyone who becomes a government officer should drop the party spirit and refrain from active interference in politics. In the States they are elected by the people. It is proposed here to remedy any defects in it by electing them for life or good behavior of the office; in that way they say we would secure all the beneficial effects of popular election? A. I quite disagree with that idea. I think that the Government as expressed by the head of the Government can do better than popular election. I do not think when there is a scramble for these elections and positions of that kind, you find the best men running for them. In fact in the United States it is a simple example of that. Politics have been left to the people who run after it and pay the most for it. I would be very sorry indeed to think that should happen in Canada, so far as our officers are concerned.

I may say I feel so far as the municipalities, that they have got quite as much power as they should have to-day. Take the city of Toronto, they have largely run themselves into debt; you take all of our municipalities, they have run themselves into debt to the very outside limit. That is entirely the result of universal suffrage, which is right. But the people who have not so much at stake in the country are always inclined to go in for anything that will expend money. I do not object to that system so far as it has gone, but I do not think an extension of the system wise. I think if the officers were to be elected on the same ticket in politics it would be very confusing. I think there are quite enough elections and it would be unwise to extend that in any sense, either by the council or by the people.

HENRY BROWN, Woodstock, on being requested to give his opinion on the questions submitted, said as follows:

I have been in the registry office for nearly ten years. As to appointment of these officers I think it is all right in the hands of the Government. I think we get better officers in that way than we would in any other. I have compared the working of our system with that in the United States. I met a registrar from California and got acquainted with him. We were talking over the different appointments. One thing made me very strong against their way of doing business. He said, it costs us a lot of money to get in these positions and it is only for a few years and we have got to make the best of it, that is the fees, and he said they were not responsible, make no returns. They are responsible only to the party who has elected them. This was in 1884.

The CHANCELLOR: Q. I think since then California has passed a law by which all these officers are put on salaries. The counties are graded there, according to the population. They are still elected by the people and they may still have to pay the assessment? A. That is the principal objection.

The CHANCELLOR: Q. The sheriff there in a county of 20,000 gets about $20,000 a year, but the expenses are about twice what they are here? A. Well, they are provided well. These offices, I think, are government offices, graded by the Government and under the laws of the Government, the people have nothing to say about the laws. The laws regulating these offices are passed by the Government and they should be appointed by the Government. They are offices in which all the country is concerned, not merely a county. For instance, with registrars and sheriffs, in all parts of the country, not only in our own local offices here, the laws are all the same regulating them all, and under the inspection of the Government, as they should be. As to payment of these officers, I think it should be by fees. I think a man should be paid for the duties he performs, paid in proportion to the amount of the work, which the fees do. If a man has not any work he does not get much pay. I do not know how they would pay them any other way to get satisfaction. There is one thing I have thought a great deal about. When the fees come to too large a sum my idea is the fees in certain counties should be, more especially in the registry office, reduced rather than have a return, as nine-tenths of these fees are paid by poor men. They pay the fees in the registry office and there is a large surplus at the end of the year, probably $1,500, to go to the county. That goes into the general fund. I would make the office self-supporting only. I do not see it would be right for the surplus to go to any other county.

Mr. HOBSON: Q. Would not there be trouble in this way, the business of an office varies very much, some years there might be a very large business, in the time of a boom for instance, then for two or three years business might be slack. There would be some difficulty in that way? A. Yes, very serious difficulty, in times of inflation and depression. There is a question of how to get at that, which is a thing I have thought a great deal about while I was in the office. I always thought it was an injustice; these poor men are borrowing the money and always paying the fees, paying so much towards some wealthy man's taxes.

Mr. ROBINSON: Q. You could hardly reduce the fees in one county without doing so in another? A. That is a troublesome question. It would hardly do to have one tariff in one county and another in another. You would have to grade it in some way. No doubt the people that pay for the services, nine-tenths of them have to pay the fees; one tenth of that goes to the county to help pay the offices of the county.

Mr. MASON: Q. Do you think your idea could perhaps be more easily carried out if the fees were all funded and salaries paid to the registrars of the different counties proportionate to the amount of their work? A. I do not think that would do; for instance, this county would be paying part of the salary of a registrar in some other county in that way.

Mr. MASON: Q. But if it resulted in a general reduction of fees all round would not it be carrying out to a certain extent the idea you wanted to carry out? If the result of the funding was a gross amount more than sufficient to pay all the registrars all over the country then the fees might be reduced. In Toronto there would be a large surplus and that going into a common fund would help to reduce the fees? A. The only trouble about that would be Toronto. The people in Toronto would be helping to pay the fees in some other county.

Mr. MASON: Q. But there might be a reduction in Toronto as well, if the result of it showed there was still a surplus, and the fees could be reduced in

Toronto as well as in Oxford; would not your idea then to a certain extent be carried out? A. No; I do not think it, because Oxford would still be getting a benefit of part of Toronto's fees in that way.

Mr. MASON: Q. But would not Oxford be also getting a benefit of the reduction of fees in Oxford? A. No; the fees would not be reduced according to your idea.

Mr. MASON: Q. Oh yes, I am trying to work that out, the result of my suggestion would be a reduction of the fees all round, a general reduction all over the province of the cost of registering each particular instrument. The reason I ask is this, I understand that your idea is that there should be no surplus or very little. To arrive at that you admit that it is difficult. You have no solution, and I ask you if the idea I suggest to you would in your opinion work towards that end. A. I do not think it would help it. I have not thought of it in that way. I have thought of many different ways but I do not see any way out of it.

The CHANCELLOR: Q. You cannot deal with each county by itself, it must be some system applying all over the province. The only way would be to put all the registry fees in one fund and pay all the registry offices and if there was a surplus make such a diminution so there would be no surplus on the next year. You have been in the registry office yourself. A. Yes; I was a clerk in the registry office for about ten years.

The CHANCELLOR: Q. What do you say about the manner of working the registry offices in the details, where assistance is wanted, what is the best way of providing for that? The Government regulating who shall be the clerks, the assistants, or the Government regulating the amount of salary or leaving it entirely to the registrar? A. I think the registrar should appoint his own help. In a great many cases it would cause a great deal of friction if the Government appointed a deputy and he did not get along with the registrar. I think his having charge of the office he should hire his own help, and if he has to pay them he should fix the salary. He has to have a pretty good man to do it and he cannot get a good man without paying a good salary. I do not think it has been the case in this county they have not been well paid.

Mr. ROBINSON: Q. Would you leave the degree of payment at all to the opinion of the inspector? A. The only thing if you do that you get probably a little friction. There is a little wire-pulling between the assistant and registrar at once.

The CHANCELLOR: Q. At present the county has an interest in the surplus after paying the expenses of the registry office. Now, the registrar might do very little work and he might get first-class assistance who will do all the work and he would pay a large salary to him. A. The registrar's help has to come out of it. He can cut the Government down or the county from their surplus, but I think the registrar should have the appointment of his clerks and make his own arrangement as to fees.

The CHANCELLOR: Q. It might be in this way, leave it entirely to his hands, but let the inspector, who is authorized now to enquire into the details, go into the matter and if there is anything startling in the figures, either in excess or smallness of the payment, he should have power to investigate that? A. I have not heard anything of that, of it being very small, and I do not think the registrars are liable to raise it too high.

Mr. MASON: Q. Perhaps you have noticed in the returns there is a very marked variation in the amount of disbursements by different registrars. Don't you think that that calls for some supervision on the part of the government officer? A. The only thing is in giving the inspector authority how far he should go in that. I would not give the inspector authority to say that a registrar has got to increase that man's salary $200 or reduce it, unless it was a very glaring matter where the registrar has increased the deputy's salary say to $2,000 or $3,000 in order to get it out of the surplus that was coming out of the county.

Mr. MASON: Q. That is the point I was trying to arrive at. As there is a surplus in which the municipality is interested should not there be some supervision then over the disbursements that materially affect that surplus? A. Well, if there is I have not thought of that in that way, because I did not think there was any such thing. I do not suppose it is ever done. If there was a danger of the registrar doing that it would be well to do that.

Mr. MASON: Q. As to the disbursements; here are two counties pretty nearly alike. In one the disbursements by the officer are $800 and in the other $1,600, exactly double. The two counties have practically about the same population and the same area, that is Brant and Bruce. A. I do not see how Brant could be run on $800. Mr. Shenston told me he paid his deputy $800 a year. There must be some mistake, or some reason for that.

Mr. MASON: Q. That is the Government return. Take two other counties here, Elgin and Essex, there is not much difference in them, in one the disbursements are $960, the other $2,100? A. I do not think Mr. Shenston could have put his deputy's fees in those disbursements in Brant. Mr. Shenston I am satisfied pays his deputy $800 and he has to have other help. Mr. Shenston attends his office himself and does a great deal of work. I think there must be something wrong in that.

Mr. MASON: Q. I see the expenses in connection with Oxford are $1,369. Now, contrast that for instance with Essex, $2,100, and there is not that disproportion between the amount of fees received. I ask you this because in my looking over and examining these figures as I have done it struck me at once the marked disparity in different counties that were apparently on the same footing? A. Some of them may not pay so much fees. I know a case, in fact a man came up here from the county of Simcoe and wanted me to go down there. He had a deputy he was paying $400 a year, and he wanted a raise in his salary and some other man offered to work for $400 and he took him. He made some mistake and the registrar has to pay some $1,600. He was a man that had been with him a number of years.

The CHANCELLOR: Q. How long is it since you were in the registry office? A. In 1884 I left it.

The CHANCELLOR: What would be a reasonable compensation for a deputy in the office whose whole time would be given to the work? A. The deputy's whole time is given, up to four or five o'clock. I think $800 a year. There are a number of them getting $800 a year and I think that is a fair compensation.

The CHANCELLOR: Would $1,200 be too much? A. Well, it just depends whether you get a good man, and it also depends on whether you allow him to do some other business. $1,200 would be a good salary for a deputy registrar. It would be the outside figure. I think a good many do receive $1,000, but from $800 to $1,000. I think $1,200 would be a large salary for a deputy.

The CHANCELLOR: Would you put it in this shape, do you think the deputy should have about half the salary of the head? A. No; I do not think so. He is not responsible for his office, and the registrar is, and the registrar is responsible for him.

The CHANCELLOR: $800 would be about one half what the great average of registrars get. not many get more than $1,600? A. That depends on whether they work very hard. They do the work themselves.

The CHANCELLOR: That was a matter of complaint, a good many registrars did not do any work, the deputy does all the work and gets a small salary. A. I do not think that is general.

The CHANCELLOR: But one case makes a grievance, and if it is sufficiently ventilated it becomes a general grievance. A. I do not think it is a general grievance. The registrar looks after his own office as far as I know them.

Mr. MASON: From your own experience in the office do you think there would be any marked diminution in the revenues of the office if the registrar were paid a salary instead of sharing in the fees? A. Yes; I believe there would. I think there would be ten times the amount of dead-head work there is to-day. I think the registrars or sheriffs or clerks or any of them who have a great many friends, the fees would be reduced considerably.

The CHANCELLOR: Suppose you give a salary and have it revised every three or five years, according to his fees, would not he work up then to the required pitch? A. He is looking after that, of course. I think under the fee system the office is looked after, and he has an interest in doing it.

I think you spoke of a sheriff receiving a writ after hours. The other night a bailiff was starting out to serve a writ. He was bound to have it done and he says, there is a couple of dollars in it. It was done that night, and it was necessary to be done. If he had been on salary it would not have been done. It was issued by the sheriff and sent to the bailiff to be served, and it should be done at once.

You spoke of the license commissioners. I think it is in proper shape now; we have good offices here. There are complaints from people who do not get everything as they want it, but no complaints recently.

The CHANCELLOR: There are complaints about them mixing in politics? A. No; I do not think there is anything of that here. I do not think they can attribute that to the commissioners here.

Mr. MASON: Complaints from those who have not got licenses? A. Yes; that it is probably, and they should not have them, and then it is all the worse.

H. F. CONN, Esq., Ottawa, Ont., appeared before the Commissioners and was interrogated as follows:

The CHANCELLOR: You are the warden of Carleton? A. Yes.

Q. How long have you been in municipal life there? A. This is my ninth year as reeve of our township.

Q. About how large is the population of Carleton, apart from the city? A. About 32,000 or 34,000.

Q. Looking at the officers mentioned in the list, what opinion have you to offer as to the way they should be appointed? A. Taking the registrar of deeds, I think that all those officers that are appointed by the Government, should be paid by the Government. In cases where they are appointed by the county, I think the county council should have the recommendation.

Q. You say those paid by the county, what would you understand as being paid by the county. Do you refer to registrar of deeds? A. They are paid by fees.

Q. They are paid by the persons who own and deal with the land. A. Those fees usually come out of the people in the county.

Q. For that reason, you think the council ought to have some voice? A. I think they ought to have some voice, perhaps a recommendation.

Mr. ROBINSON: Would you have them recommended by those who pay the fees? A. By members of the county council; they represent those who pay the fees.

The CHANCELLOR: Would you have the recommendation submitting two or three names, so that the Government might have a latitude or choice? A. Oh, yes, I should say the county council should submit, at least, half a dozen names.

Q. Irrespective of politics and religion? A. Yes.

Q. Giving, in their opinion, the best men? A. Yes.

Q. If that were done, honestly and fairly, it would be a good thing, but do you not think, there would be the liability of friction, and a dead-lock, in a list of names being submitted? A. Oh, I do not think there would. I would not like to see the county council have the appointment, because I do not think we would get the best men.

Q. Suppose you have nominations, and the Government reject, and the council think wrongly reject, but the Government, for what they consider good reasons, reject, then would you not have the danger of friction arising between the central government and the municipal government, which would be a disastrous thing? A. Oh, I do not know; I do not think you would. I think the Government should be supposed to accept some one of the names sent in. If they think half a dozen is not large enough, make the number larger.

Q. Call on the county, until a proper list was submitted? A. Yes.

Q. What difficulty do you think would be obviated? A. Well, it is supposed, or looked upon, that they are filled through political influences.

Q. The member recommends? A. Yes, the local member, or the candidate, whether he is elected or not, has got the patronage. Of course, he will likely nominate his friends.

Q. As long as the candidate who succeeds is of the same opinion as the Government of the day, then I suppose there is no hardship? The hardship would arise where a defeated man has the nomination. A. Yes; that is where the whole difficulty arises.

Q. Then, take the local masters, or masters in chancery, as they used to be called? A. Of course, those are all paid by fees, are they not?

Q. Yes; the persons who use the court have to pay the fees, and the officers take those fees? A. I think they can be better managed under the present system.

Q. That applies to all those, the local and deputy registrars, deputy clerks of the crown, and so on; those are all officers of the court; some of them are paid salaries, but they all collect fees; that is the source of their revenue, fees paid by litigants. You would leave those in the hands of the Government? A. Yes; I think the Government will make better appointments than the county councils.

Q. Then there is the sheriff, who is an independent officer? A. I think he should be appointed by the Government, too, with a recommendation from the county council.

Q. County councils contribute about one-sixth of his salary, I think; two-sixths from the Government and one-half paid out of the fees of his office, so the county council has only a one-sixth share in paying him; but you would say that the county council should have the recommendation for that office, too? A. Yes; and that he should be paid a fixed salary.

Q. Then, county attorneys and clerks of the peace, what do you say about the manner of appointing them; one officer, of course, fills both? A. I think the Government should have the appointment of that officer.

Q. Division Court clerks and bailiffs? A. Yes; they should have the appointment of all those, too.

Q. You would leave that as it is? A. Yes; I think it cannot be better done.

Q. Then, some other names have been mentioned. License commissioners have been spoken of. Have you any opinion about whether a change should be made? A. Yes; I think perhaps there should be a change in that respect.

Q. In what way? A. I think that the county or city should have the appointing or recommending of one of the commissioners. If there are three they should recommend one, and if there are five they should recommend two. They are paid now?

Q. The commissioners are not paid, but the inspectors are. The commissioners are the controlling body, granting the licenses? A. Yes. Do they not get their expenses now?

Q. No; it is an honorary office. A. The reason I ask is, there are one or two men on as commissioners that I would not think would work for nothing and pay their own expenses. They are good men.

Q. Then, that covers the manner of appointment of all these officers. You would leave it as it is, subject to nomination, as to some of them? A. Yes.

Q. You would not favor election by the people as to any of them? A. Oh, no; I think it would lessen the independence of the office.

Q. It would be subject to popular opinion? A. Yes; they would not discharge their duties properly.

Q. They would be anxious to gain votes next time? A. Yes: that is what they do on the other side.

Q. And the county councils, why would they act as well as the Government in appointing them? A. Well, they are composed of two parties, usually, anyway; of course the Government is all one-sided, and you at least get recommendations from both Conservatives and Reformers.

Q. And the time of the council would be occupied in squabbling over these things, and neglecting the proper work of the county? A. They usually have lots of time; they usually take a week, and they could discharge their duties in three days.

Q. Take the manner of payment; what do you say about the question whether these officers should collect fees, put them in their pockets, or whether they should account for a certain amount, or have a fixed salary? A. I think that all the money received at the different offices should be put in a fund, and the Ontario Government have the control of this money, and that they should be paid a fixed salary. That salary should be graded according to the importance and duty of the office.

Q. And having regard to the amount collected? A. Yes.

Q Then, if the amount collected was not enough to give a fair living salary you would have the Government make up the deficiency? A. There are offices that pay very large salaries, and if this money was put into a fund, draw from that fund to make up the deficiency.

Q. Have a sheriffs' fund and pay all the sheriffs out of it, and the registrars the same, and make each fund answer its own service? There would be enough in the case of registrars to do that. In the case of sheriffs the fees would not be enough to pay; the fees only half pay the sheriff at present, but you would propose that, if there was really a shortage in the fees, the Government ought to make up the deficiency and give a fair living salary? A. Yes; in country places they do not require so large a salary as in cities.

Q. And about Division Court clerks and bailiffs, would you give them a salary? The bailiffs, perhaps, do not get more than $100? A. No; I am sure they do not.

Q. Would you give them a salary? A. I would give them a salary of, say $400 a year in small places.

Q. That would have to be made up out of the public in some way? A. Yes.

Q. Which public would it be? The county or the general public? A. The general public.

Q. Why should it not be the county? This is a local court, a poor man's court; why should the whole country pay for the Division Court? A. The county has nothing to do with the appointment. If the county had to do with the appointment, I would say, then, have them pay it.

Q. That is the way you put it, the county not having the appointment, the Government should pay for the appointment? A. Yes.

Q. Does not the county get the benefit of the service? They have justice brought home to them, instead of having to travel, as in old days. Have they not compensation from that which should make them foot the expense? The suitors pay part of the amount. If the other part is to be made up, should it not

be the locality that benefits specially, because the country at large does not benefit by the Division Court? A. No; but still there are Division Courts in each township, county and village.

Q. Should not each county bear its own burden for these courts? A. I have not given that matter any thought.

Q. Under the present system there is no salary, and these courts are really self-supporting, although they do not support the officer so that he can live without doing anything else. Under your plan they would be an expense to some public, either the whole country or the particular locality. Under that view, would you prefer to leave them as they are now, just getting the fees? A. Perhaps it would be better.

Q. If they could introduce some plan by which a certain percentage would be paid on each suit as it is brought in for fees, and have no item of fees, just have, say $2.50 or whatever it might be, or $1.50 when the suit is entered and another small amount when the suit is tried to cover all the fees, that perhaps would be the best plan instead of having a list of costs? A. Would that apply to bailiffs?

Q. It would apply to bailiffs. They would be paid out of that except in cases where there was mileage, the mileage would have to be allowed to some extent? A. In some cases they have only one or two miles, and in other cases ten or fifteen miles.

Mr. ROBINSON: Is there any grumbling with respect to the fees of the Division Court? A. I have heard of no case. I do not think there is any. I have had quite a little to do with Division Courts and have had no reason to complain at all.

The CHANCELLOR: Q. The system of inspection is satisfactory in Division Courts? A. I think it is. I have heard no complaint. I might mention that the registry office of this county did nothing like pay the expenses of the office. There is one for the county and one for the city. The county one did not pay. The receipts from the registry offices were $191.38, and paid out $269.81, that is exclusive of heating. The registry office is heated from the court house here.

Q. What was that outlay of $291 for? A. That is for books and repairs.

Q. Is there over-much paid for assistance there? Is the revenue sufficient from the office? Is there enough business done to pay all these things and pay the officer? A. In 1891 we received $303.56, while in the same year we paid out $541.60, that is exclusive of heating too.

Mr. ROBINSON: Q. The division was made, I suppose, at the recommendation of the people of the county? A. Yes.

Q. How long has the county and city been divided? A. It was before my time.

The CHANCELLOR: Q. It is said to be in 1867.

Mr. MASON: Q. The total receipts were $4,232 in 1893. The disbursements were $1,571. Paid over to the municipality $219. The net income was $2,345, but that included a special item of $500 which would not occur in ordinary years. He appears to have received $500 for special services? A. He copied abstracts. There was a portion of the county annexed to the city of Ottawa and he received that $500 for that work.

Q. That would not come in an ordinary year? A. No.

Q. If it had not been for that his net income would have been $1,845.

The CHANCELLOR: Q. Do you suggest that $1,571 is too high for disbursements? A. I have no idea how many he has in the office.

Mr. MASON: Q. Or do you think that the $2,345 was too much for himself? A. I do not think so.

Q. Then if you do not think that, and you do not think the disbursements were too much, then how are you going to remedy the complaint you have as to paying out more than is received? A. It has happened for the last few years.

Q. But through no fault of the office or the registrar? A. I have no fault to find with the registrar at all.

Q. It is incident to the condition of the building or the want of books? A. This extra expense was due to the annexation of those portions; it will not occur again for some time.

Q. And you do not think that that amount for himself would be extravagant? A. I should think he ought to have $2,000 a year.

Q. That is about what it would be, assuming he did not get that $500 every year? A. About that.

Mr. ROBINSON: When you said you would give the council the nomination of two or three persons in the county to fill the offices of registrar and sheriff, would you exclude your twenty-three members from such a nomination? A. Of course I would.

Q. Because they are naturally men of substance. Why should they be excluded? A. I question if they would have the proper qualification. Of course those men receiving the nomination would require the proper qualification.

Q. But there might be, and I dare say there are men capable of filling the position in your council. Would you exclude them? A. If they had the proper qualification I would not exclude them.

Q. We were told by a gentleman in another county that if the nominations were placed in the hands of the county councils, that nobody by a county councillor in the county would get an office? A. Oh, I do not think so.

Q. But you would exclude the nomination in your county of any member of your council? A. If he had the proper qualification I would not; he should undergo an examination.

Mr. MASON: You think, as a general rule, the ordinary county councillor would not possess the required qualification; it would be outside their line of life? A. It would be outside their line.

Q. If that be the case, then do you not think that the Government, who are in a position to judge of the qualification, would be in a better position to make the appointments than acting upon the recommendation of men who admit that they are not in a position to judge of the qualification? A. I do not admit that they are not in a position to judge of the qualification, but I meant to say that they themselves, or the majority of them, have not the qualification.

Q. I understand you to base this chiefly on the ground that the county has to contribute to the payment of these officers? A. Yes; that is the reason.

Q. Not because you believe that any better appointment will be made, or that the service will be better or more effectually rendered if the county has the nomination than appointment by the Government? A. I think the appointment would be more satisfactory to the general public.

Mr. ROBINSON: Q. They would appear to have more to do with it? A. Yes.

Mr. BROOKS: Q. Have you the idea that these appointments are made for past party services as a rule? A. They appear like it.

Mr. MASON: Q. And do you think that is wrong? A. Of course a man should not go back on his friends.

The CHANCELLOR: Q. If there is qualification and competence for the office, is there any objection that it should be as a return for former services rendered to the country? Should a man be passed over because he has rendered past services? A. Oh. I do not think so.

Q. If he is a competent man, preference should be given, perhaps, to the man for that reason, at least that is the present system? A. Yes; they all do that; both Governments.

Mr. BROOKS: Q. You speak of many in county councils not being qualified. In what respect do you mean? In the way of character or education? A. Education. Their characters are all right, at least the most of them, so far as I know.

Mr. MASON: Q. I suppose chiefly because it is not in their line? A. It is not in their line. Of course if they were not required to do any of the work themselves they would be all right, but if they had to go to work to do it, then they could not do it.

The CHANCELLOR: Q. As to the county attorney and clerk of the peace, what salary would you attach to that office? A. If he is allowed to do outside work his salary should not be so much, say $500, if it does not take more than one-third of his time. If it takes the whole of his time he should have at least $1,500.

Q. Would you not put him on the same level as a registrar? Do you not think it is just as responsible to attend to the duties of court and prosecute criminals? The county attorney has to prosecute in the Quarter Sessions. You would say $1,500 for him? A. Yes.

Mr. MASON: Q. Do you base that idea because you are more familiar with registrar's duties than with the duties of the clerk of the peace? A. That is just the reason.

Q. You really do not know as much or the detail of the work of those officers as you do of that of the registrar? A. No; I do not. I have not had so much to do with them.

The CHANCELLOR: Q. The fees collected by the clerk of the peace is, on an average, over $1,000 alone for that branch of his work. Some of the counties have commuted. Kent has commuted for $1,000. The fees received there are something like $1,200. That is, for one branch of his work. The county attor-

ney's work is more important. He has to appear in court and prosecute criminals, and has to advise country magistrates. He has a good deal of responsibility, and a good deal of his time is taken up. A. I notice that all over the country people complain about the fees. They think the fees too much. That is, in case the grand jury bring in a true bill. They are always anxious for the grand jury to bring in a true bill. They only hear one side of the case. Most people think that fee is too large.

Q. That is one reason why they should not be paid by fees. The effect of being paid by fees is, to make them urgent to have a thing tried, at all events? A. Yes.

CHARLES MOHR, Esq., Galette P. O., appeared before the Commissioners and was interrogated as follows:

The CHANCELLOR: Q. Have you been in the council or municipal matters? A. Yes.

Q. What position have you occupied? A. Reeve of the township I reside in, the township of Fitzroy.

Q. How many years have you been in municipal life? A. About twenty-seven years.

Q. Lived in that part of the country all the time? A. Yes.

Q. Now, taking this list of questions that we have, would you speak of these officers there together or separately, as to what would be, in your opinion, the proper way of appointing, whether any change should be made or not? A. Well, I would have to speak of them separately, because I am not posted as to some of them.

Q. Speak of the registrars of deeds first? A. Yes; I think a salary would be more satisfactory.

Q. Have you thought of what amount would be reasonable? A. Well, I have not given it very close consideration. I would suppose somewhere in the neighborhood of $1,500 or $2,000 would be fair. That is, for the registrar of deeds.

Q. And how about his appointment? Would you make any change in that? In the way of electing or appointing him? A. Yes; I think he ought to be appointed by the county council, at least they should have a large say in the appointment of the registrar of deeds.

Q. They should at least recommend persons for the position? A. I think so.

Q. Do you think it would be a good thing to give them the entire control of appointing to the office. A. No; I do not know as it would. Perhaps they would not do it quite so well, but we should at least have some knowledge of a fit and proper person to fill that office, as well as the Government. We have a certain amount of local knowledge that should be a benefit at least to the Government in making the appointments.

Q. You would not approve of putting the office up to popular election? A. No.

Q. You suggest the appointment by the Government and recommendation by the council? A. That would be my choice.

Mr. Robinson: Q. How many names would you let them send to the Government, and would you confine them to the members of the council, or outside the council? A. I think the recommendation should be by the county council.

Q. Would you limit the recommendation to the outside public? Would you exclude the members of the county council? A. I would not exclude any man who had the qualification to fill the office.

The Chancellor: Q. How many of a list would you send in to draw from, so as to give some latitude of choice? Would you just nominate one man? A. I can hardly answer that question. Probably it would be more satisfactory to give a list of names, say five or six.

Q. Whatever men in the county were considered competent might be named? A. Exactly.

Mr. Robinson: Q. Either in or out of the county? A. I am an awful county man. I do not see that we should recommend out of another county.

Q. You want to raise your own registrars? A. Yes; I think we are quite capable of doing so.

Q. You would recommend them whether they were in the council as councillors or not? A. Yes.

Q. Anyone in the county, even although they were in the council? A. Yes.

Mr. Mason: Your reason is, because you believe the council have the best opportunity of judging of proper persons to fill these offices? A. That is one reason.

Q. What is any other reason? A. I think it would be more satisfactory to the public as a whole.

Q. Do you think it would be more satisfactory to the people who have deeds to register? A. I do not know why it would not.

Q. Because they are the only ones who are concerned specially? A. I do not know how it would affect them at all.

Q. The man who has no deeds to register does not care very much? A. It matters to me very much if I want a good friend there.

Q. That is a different thing. A. Well, that is about the size of it. We know that it does not matter very much to the man who is not dealing who is in, or who is registrar, but, as a whole, I imagine it would be more satisfactory to the people of the county to, at least, have the council say something about the appointment, where it is so closely connected with the county.

Q. Would you have that principle applied to postmasters? A. No.

Q. Why? They are intimately connected with the county? A. They are appointed where the post offices are situated, as a rule. That is a matter that can not be handled for any purpose. The man should get the appointment, who fills it best in the locality. I do not see any reason why the county councils should have the appointment in that matter.

Q. Then as to the officers of court, the masters in chancery, and so on? A. I am not prepared to speak either way as to those. I am not very well posted in that matter.

Q. Then as to sheriffs? A. Yes; I think the appointment should come from the Government.

Q. That it should remain as it is? A. Yes.

Q. And the payment? A. I have always been of the opinion that a salary would be more satisfactory. Whether it would be more profitable or not to the province, is a question I cannot answer.

Q. Why would it be more satisfactory? You mean to the people? A. Yes. There appears to be a feeling over the matter, as it seems to me; it would be more satisfactory if there was a salary fixed.

Q. What salary do you think would be a fitting one, so as to meet the popular idea? A. You mean as a whole?

Q. All the sheriffs, taking them as a whole, taking the average sheriff all over the country, just as you have spoken of the registrar. What would you give to the sheriff as an officer? There is a good deal of responsibility connected with it. If he seizes wrong goods or makes mistakes he is liable to actions? A. And so with the registrar.

Q. Yes; but not to the same extent as the sheriff. The sheriff has to have a legal adviser at his elbow all the time if there is any work going on in his office. A. Oh, I would say about $2,500.

Q. And in large cities would you favor more? A. I would speak of a city like Ottawa, and suggest $2,500 as a fair amount. That would be a very big salary in some counties; it would be paying far more than we are, under the system adopted now.

Q. Then as to these officers of court, perhaps you do not know enough of them to speak? A. No; I could not speak of them.

Q. County attorneys and clerks of the peace? Have you knowledge of them at all? A. Not very much. They act more in the cities.

Q. Then Division Court clerks and bailiffs. Would you make any change in the mode of appointing them? A. Yes; I think the Division Court clerks should be appointed by the judge.

Q. And the bailiffs? A. By the clerk. I think that would be an improvement. I may be wrong as to that, but that is my impression.

Q. You think you would get better men by the appointment you suggest? A. I think the clerk would have more control of his bailiff. When a bailiff is appointed outside altogether, he may be very neglectful, and the clerk has no way of getting at him to make him do his duty. If he had the appointment of him, he would pay more attention to what the clerk would tell him.

Q. The appointment by the clerk, with the approval of the judge; would that be a better system? A. I think so.

Q. Then about paying these people; would you allow them to collect fees as they do now? A. Yes.

Q. They do not get enough to live on? A. It would be impossible in any other way.

Q. It would be too expensive to give them salaries? A. Yes.

Q. Any complaint about the service in the Division Court, about extortion or not attending to duties? A. I have heard none.

Mr. ROBINSON: Q. Any complaint of county attorneys charging too many fees? A. Not that I know of.

The CHANCELLOR: Perhaps you have some opinion upon the subject of the appointment of license commissioners? A. Well, I cannot give much opinion upon that question. I think the appointment by the Government, and the whole license system, is as good as we can fix it. There appears to be an impression that each municipality should have the control of the licenses, and the inspectors. Each municipality might get a larger revenue, but whether as a whole, it would be better or not I do not know.

Q. But in the interests of temperance, and morality, and order, you think the present system is as good as you can have? A. I do think so. It would be impossible for each municipality to regulate, as it is now, under the system of the Government having control of it.

Q. You would have differences and peculiarities in the different counties? A. Yes.

Q. Is there any other matter you wish to mention, which you have not spoken of? A. I do not know that there is on this list.

Q. But apart from this list? A. It appears to me there is room for great improvement in legislation in regard to the system of law, or getting justice, in this province of ours. It appears to me it costs the poorer class too much to get justice. There is too much machinery. If the County Court judges had a larger control of amounts, larger jurisdiction, the country would be benefited very much. Just for a small amount, sometimes, you keep a man in difficulty for years and years, whereas the County Court judge could settle it at one sittings. There is too much machinery.

Q. Too many appeals allowed, you think? A. Yes.

Q. And too much expense? A. Yes.

Mr. MASON: Q. There has been an instance of that in this county, where two farmers have been quarrelling over a line fence? A. Yes. They will let a calf cost them $2,000.

Mr. ROBINSON: You could not remedy that by legislation? A. You could remedy it by giving larger powers to the lower courts.

Q. You would like all these gentlemen, speaking of the sheriffs and registrars, paid by salary? A. Yes.

Q. Is that because you think, in the minds of the people, that those two particular officers get too much? A. That is one great reason.

Q. It is exaggerated? A. Yes, it is exaggerated.

Q. And it has led to agitation? A. For instance, our sheriff here, take us people out through the country, there are 100 to 1 who believe that he gets $5,000 or $6,000 a year, and some of them think he gets more than that.

Q. He does not get half that? A. No.

Q. You think that is one cause of the agitation? A. I think it is the cause of it.

Q. You would like to have it on record what each of these officials get? A. Yes.

Mr. MASON: Q. I suppose it is really the uncertainty about it, and the want of knowledge too, to a great extent, that creates the desire to have a fixed amount, known to everybody? A. Yes. I think that has a great deal to do with it. I do not mean to say that we are going to curtail the cost to the country, but it would be more satisfactory; they would be satisfied, no matter what the result would be.

Mr. MASON: Q. Your county council, at the January session of this year, attempted, to a certain extent, to carry out the idea you expressed, as to recommendation to a vacant office in this county? A. Yes.

Q. Was that discussed at all in your council, the question of the recommendation of Mr. McIntyre? A. Yes.

Q. And what were the reasons advanced why the recommendation should be given to the Government to appoint Mr. McIntyre? A. I almost forget some of the strong arguments in his favor.

Mr. ROBINSON: Q. A good man, of course? A. Yes. He, like everybody else, had his friends, and they thought he should have had it.

Mr. MASON: Q. You mean friends in the county council? A. No, I don't know as he had. When I first saw the position vacant it struck me that he was the man that should have got the appointment; but I do not mean to say that the Government made a wrong appointment, or did not make a satisfactory appointment after all.

The CHANCELLOR: Q. Has there been any soreness or feeling because the nomination was passed over in the council?

Mr. MASON: Q. Did the council at the next session pass a resolution of regret at the recommendation being accepted? A. No; I do not recollect of their taking any further steps. One great reason was that a great many of the county council, knowing that Mr. McIntyre had been a strong supporter of the Government, thought he was the best entitled to that appointment. That was about the reason why they felt in favor of recommending him.

Mr. MASON: Q. For services rendered in the past? A. Yes.

The CHANCELLOR: Q. Competence in the present, and services in the past?

Mr. MASON: Q. I was asking the question, whether the county council who passed the resolution were satisfied with their representation being set to one side, or whether they took any further steps in regard to it? A. No; they did did not take any further steps. I do not mean to say that they were satisfied, I do not think they were as a rule. Some of them might have been, but as a whole they were not.

Q. No feeling has been expressed with regard to it, or dissatisfaction with the appointment finally made? A. No. The appointment was not made at the last session. Perhaps you will hear from us in December. We have had no meeting since. No doubt the feeling of the county council at that time was in favor of McIntyre getting the appointment, and I suppose the greater portion of hem are yet.

Mr. ROBINSON: Q. And in the meantime the position is filled? A. Yes.

Mr. MASON: Q. I suppose you have no reason to know that the county council would be dissatisfied with the appointment that has been made? A. Oh, no, I have no reason.

The CHANCELLOR: Q. You can suppose a case where a very serious difficulty would arise. Suppose a council were to nominate people for an office, the Government were not to accept them, and the council to get on their high horse, and say they would not nominate anyone else, and the Government would not appoint. There would be a dead-lock between the two? A. That should not happen.

Q. But it probably would happen? A. If they take as long as they have in the past in making appointments they have lots of time to get the best men. I think those appointments should be made jointly satisfactory, both to the Government and to the county. That is what I want to get at. That would cause more harmony and give the people better satisfaction. I do not see why there should be any friction, those things are not such terrible dangers.

Q. I suppose, after all, the question of appointment would not be a very burning one in the county councils, would it? A. Oh, no.

Q. Does not the question of what they get really engage the attention more of the people generally than who is appointing? A. Speaking of county crown attorneys. If they had a fixed salary instead of the fees they would not be so anxious to get the grand jury to bring in a true bill. I have been on the grand jury here, and I have seen a little too much of that. in my opinion.

Q. Perhaps the tendency then would be to have too few cases? A. Well, I do not think so. He should do his duty. He would get a salary for doing his duty. He should not insist upon getting a case where there is none. The grand jury would have a better opportunity of judging for themselves.

JAMES BALLANTYNE, Ottawa, Ont., appeared before the Commissioners and was interrogated as follows:

Q. You are in the position of reeve? A. Yes; reeve of Ottawa East, a small village adjoining the city.

Q. Have you been long in municipal life? A. Five years in that particular place.

Q. And elsewhere? A. Not filling the office of councillor. I have been in other offices in connection with municipal work—some of the minor offices.

Q. Assessor, collector and clerk? A. Overseer of roads, fences; auditor criminal justice accounts, secretary-treasurer, and trustee of school board, etc.

Q. Now, what do you think about the appointment of these officers, or any of them, being taken away from the Government and given to the county councils, or given to the electors of the county? A. There is a general feeling amongst a great many people that the Government has been centralized rather too much; that they have taken all the appointments from the county, and make all the appointments themselves. I think it would be more satisfactory if the county had some say in the making of some of the appointments at any rate. For instance, take the registrar of deeds. It is understood, I think, about here, that it is a purely political appointment.

Q. Is fitness not regarded? A. I suppose it is regarded, but it is a political appointment. It is an office invariably filled by an officer in harmony with the government of the day, whatever that may be. I think it would be more satisfactory to the people generally if they had a voice in the appointment. I do not say it would be better to have the exclusive appointment, but to have a voice in the appointment of the registrar.

Q. How would you have that expressed? A. By the county having the power of nominating, or submitting a certain number of names for the Government to select from, say, half a dozen, more or less, and make it imperative that the Government should appoint one of these.

Q. Would that be desirable in counties in which the Government's view o things was predominant, or would your observation apply only to counties where the Government candidate had been defeated? A. I think it would apply to all the counties. Take the county of Carleton. The complexion of the county of Carleton is strongly Conservative, yet when the office of county attorney was vacant last year, although the county was largely Conservative, they recommended the appointment of a Liberal in politics. They were certain that a Liberal would be appointed at any rate, and they did not discuss the fitness at all. It was taken for granted an officer of that complexion would be appointed at any rate. If a half a dozen or a dozen names were submitted to the Government I think the office would be well filled. Take a body of, say, twenty-six members of the county council of this county, would not they be as likely to make a fair appointment as the Government. The Government generally makes the appointment through the recommendation of one man. So far as the county of Carleton is concerned, my experience has been that party politics have not entered into their proceedings.

Q. So you think that good purpose would be served by leaving the appointment as it is, with the recommendation by the county of names out of which the Government could choose? A. Yes; I think so.

Q. That is for registrar of deeds? A. Yes.

Mr Robinson: Would you be opposed to leaving that office open to public election? A. I should think it better not to do so.

The Chancellor: Then as to the question of salary or fees? A. On general principles, I think a salary is better. But I do not quite agree with some of those who have preceded me, as to the amount of salary they should have for the different offices. I think the salary should be based wholly on the amount of work done; and it is impossible to make some of the offices self-supporting, because there are many localities where the amount of work done is really very small. I think they should be paid somewhat after the manner of local post masters. If there is a little work done, pay in proportion.

Q. And not supplement it out of the general fund? A. No.

Q. Never give more than the amount of fees? A. No; I do not think so. I do not think they should be paid more than the amount of service rendered.

Q. Then as to local masters? A. We cannot improve on that.

Q. Or sheriffs? A. I do not think we can improve there, either.

Q. Or as to payment? A. I would pay by salary. My remarks as to salaries apply to both these officers.

Q. Then, what amount as to sheriffs? Would you have any fixed sum? A. It would vary with the amount of work done. The sheriff's office would just be like any other office. In a large place, a more expensive place to live, it would be worth more than in a smaller place, where little work was done. Take a place like Ottawa, where there is perhaps a good deal to do. I think $2,500 or $3,000 might be sufficient for the sheriff.

Q. As to the registrar, would you fix an amount? A. Judging from what is generally paid for work of that kind, principally clerical work, I should think a good man could be got for $2,000.

Q. And deputy clerks of the crown, clerks of court, and registrars of Surrogate Courts, they are generally one office. Can you speak as to those? A. I do not think we can improve as to that. Allowing the remuneration to be according to the service.

Q. Leaving the appointments as they are, but giving them salaries? A. Yes.

Q. And county attorneys and clerks of the peace? A. I would pay them by salary.

Q. That is an office where you want a man who is a good officer? A. You want a man of some legal knowledge as well.

Q. And a man of some discretion and firmness? A. Yes. That, of course, like all the other offices, would vary with the locality in which it happened to be, but in large places, such as Ottawa, it is probable that $1,500 or $2,000 would not be too much for that office.

Q. That is for the joint office? A. Yes.

Q. Division Court clerks and bailiffs, would you suggest anything about their appointment? A. They should be appointed by the judges, I think.

Q. That is going back to the former system? A. I think that was better.

Q. Why would you favor that? A. The local judges know the capabilities of the parties who may be applying for that office, and know their fitness generally. I think they would be more likely to be diligent in performing their duties, knowing they were directly under the observation of the persons from whom they received their appointment.

Q. Would you give the absolute power to the judge, or would you have him appoint as in the case of jailers, the sheriffs appoint with the approval of the Government? A. I think that would be better. As to the position of jailer, I think there is something anomalous. The sheriff appoints the jailer, with the approval of the Government, and the county pays it. I know that in this particular place, the jailer has applied a great many times for an increase of salary, but the feeling was, let him look for salary where he gets his appointment. He is paid a small salary, and I think if the county had something to say in the appointment of the jailer, they probably would be more liberal in giving him a better salary.

Q. Do you suggest anything about the appointment of the jailer? A. I do not know very well how it could be done. It is an office, I think, might be filled well enough from the county. It is not such a very important office.

Q. The sheriff is responsible for escapes from the jail; if you relieve him from responsibility, then you would get out of the difficulty ? A. I see the difficulty there.

Q. The whole thing is linked together ? A. There is a weak spot there, at any rate.

Q. Then, as to the Division Court clerks and bailiffs, how would you pay them ? Would you let them take fees ? A. I think it would be better, on the whole, to pay salary. When fees are exacted, there is a tendency to multiply fees, to put off courts, and bring them up on remand. There is a tendency to multiply fees enormously to litigants. I think you should pay proportionately to the amount of work done.

Q. Unless you could have a certain allowance for the costs of a suit ? A. If that were done, it would do away with some of the difficulties existing at the present time. I would have both clerk and bailiff under salary.

Q. Would that be proportionate to the fees ? A. Yes.

Q. It would be very little then ? A. Yes.

Q. You would not give them a salary more than the fees ? A. No. They have very little to do most of the time.

Q. As to license commissioners, have you any opinion to offer ? A. I think the county and city should have one voice in the appointment of the license commissioners.

Q. One appointed by the county or city ? A. I think so. If the judge, the county, and the city, three parties, appoint, or select commissioners, I think it would be a good plan. Let the Government, and the judge, and the county appoint. The warden would represent the county,

Q. To nominate, or to appoint ? A. To appoint the three commissioners.

Q. That would be better than the Government appointing the two, and the council one ? A. I think so. You asked the question of some witness, as to what names should be selected for registrar. I would not restrict either the place or the person. Select the best man, from any source.

Q. Get the best man ? A. Yes.

Q. Leaving it open to the council, to go outside if they choose ? A. Leave it open for the council to recommend any man they choose, not confine themselves to the county, if they can find a better man outside.

WILLIAM McVEITY, Chief of Police, Ottawa, Ont., appeared before the Commissioners and was interrogated as follows :

Q. How long have you been chief ? A. Ten years.

Q. And in the police force before that ? A. Twenty-eight years all told.

Q. And you have lived in Ottawa, I suppose, all the time ? A. Yes.

Q. You are appointed by the city council ? A. Appointed by the board of commissioners.

Q. The mayor, and the county judge, and the police magistrate, form the board ? A. Yes, sir.

Q. With regard to the enforcement of the liquor laws, what do you say as to the appointment of commissioners and inspectors? What is your observation upon it? Do you think any change desirable in the appointment of the commissioners? A. I think it would be better if they were appointed by the local parties here, part of them, at any rate. If I were to give my own opinion, I think the old system for cities was the best, appointment by the police commissioners, or attended to by the police commissioners.

Q. The same board that appoints the police? A. Yes; I was license inspector under the board in that way for four years.

Q. The inspector had not the work of the commissioners now, the board granted the licenses? A. Yes.

Q. And the inspector was to see that the law was observed? A. Exactly.

Q. Now the commissioners deal with the question of granting licenses? A. Yes.

Q. Do you think a return to the old system is desirable? A. Yes, as to cities.

Q. To have a board composed of the county judge, the mayor, and the police magistrate, as the licensing board? A. Yes.

Q. You think, for cities, that would be better than the system of commissioners? A. Yes.

Q. Why do you think so? A. They are not political; they are appointed by independent men, two of them. The other one is the appointment of the people, and is independent. I think they do their duty better. There is nothing to draw them in any way.

Q. Then, they would control the whole system in that way, they would appoint the inspector, and the inspector would see that the law was observed? A. Yes. If the officers were not doing their duty, they could be more easily got at. If the inspector did not do his duty, the commissioners would be right there.

Q. The inspector was a different officer from the chief of police? A. Yes.

Q. One person would be attending specially to the liquor places. That is enough to occupy the time of one man? A. Yes.

Q. And in counties, would you suggest any change? A. I think the present system is good for counties.

Q. And the inspector, of course, was a paid officer? A. Yes, sir.

Q. Just as he is now? A. Yes. I believe in salaries for officers.

Q. You speak of all public officers, a salary for all? A. I would favor that.

Q. And not fees? A. And not fees.

Q. Of course, in the case of criminal officers, there is no means of exacting fees, they have to be paid by salary? A. Yes.

Q. Have you any experience with Division Court clerks and bailiffs? A. Not much.

Q. County attorneys, and clerks of the peace? A. Just in my business. I was detective for 12 years, and came in contact with them.

Q. Do you think that office would be better controlled or executed, if the county attorney and clerk of the peace had a salary, instead of fees? A. I think it would, sir. There would be less reason for talk and suspicion, and the people would be better satisfied with it, in that way. I do not say that there is any reason for any suspicion but there is always room for talk.

Q. There are always things done, which appear to swell fees, which would not exist in the other case. There would not be any temptation to them, at all events, if paid by salary? A. There would be no temptation if paid by salary.

Q. As to the other courts, I suppose you have not much to do with them? A. No.

Q. Any other matter you wish to speak about? A. Just a word about what was said yesterday with regard to policemen. I read it in the paper. It was said the police went into places and induced the parties to sell them liquor. We do not do that. The board of police commissioners that I worked under for 28 years, were all strictly against any deception. They never allowed it, and never had anything to do with it. We only send a man around, when there is occasion to do so. The police are instructed always to attend to that, on their duties. When people are seen around drunk on Sunday, we detail a man in private clothes, and send him around, but he is not to use any deception. We do not allow them to do so.

Q. If they do differently, they depart from instructions? A. Yes; and we would not have them there at all. There is no deception allowed to be used.

Q. I am very glad to hear you say so. It is a vile system, to try to entrap people. A. I read that last night in the paper. I knew it was wrong. I am sure it was wrong in that case, because we examined the man strictly. It is strictly against orders to do it. It is a job the officers do not like. They do not do it voluntarily. No policemen likes the job of doing it.

Mr. MASON: When were you license inspector? A. At the time the Government took hold of it first.

Q. At the time of the change? A. Yes. I was then license inspector for this city.

Q. Were you continued on? A. No, sir. The man that is there now, was appointed.

The CHANCELLOR: Were you chief of police then? A. No, sir. I was detective afterwards, and then became chief of police.

Mr. MASON: By a return to the old system in cities, you think they would be more independent? A. Yes. I think there would be no politics, and that the people who get licenses, should get them on their merits.

Q. Do you think there would be more likelihood of licenses being granted without reference to either personal favor, or politics? A. That is my opinion.

Q. But, in your experience, during all these years past, has your experience led you to believe that in any respect, the present system has been detrimental to the public interests here? A. I do not think it is detrimental to the public interests, only I think it would have been better the other way.

Q. In other words, have many instances come under your observation, where it appeared to you licenses were granted that ought to have been refused. A. I think there were licenses granted that ought to have been refused.

Q. In many instances? A. I think I could say six this season, that the city would be better without.

Q. Six out of some hundreds, perhaps? A. I think there must be 100. In some localities, I think, the place would be better without them.

The CHANCELLOR: Generally, is your observation in favor of the effective carrying out of the liquor law to restrict licenses, to grant them, rather, with a firm hand, than to grant them liberally? A. I think they ought to be granted with a firm hand. I think there are localities that licensed places are a great injury to. They should discriminate as to the locality, and the class of people residing in the locality.

Mr. MASON: Under the old system, when you were inspector, there was not any restriction, like there is now, as to number? A. It was just left with the board of commissioners, then, to grant to whom they thought were proper persons.

Q. As a rule, did not they grant pretty generally? A. I think they were very particular. The same men are there to-day.

Q. Not the same men? A. The same judge and the same police magistrate. They were very particular as to complaints. If complaint came in against a party for not keeping a good place, or if the locality complained against it, they would not grant it. Those two men had it in their power to refuse.

Q. But the restrictions are greater now, than when you were inspector, as to number? A. Oh, yes.

The CHANCELLOR: The public feeling has changed, too, about the whole system, more in favor of temperance. A. I think the people are more in favor of temperance. You notice that, even where liquor is sold. I think a man that starts a hotel on a back street, does a better business than on a front street. The people themselves seem to be ashamed of drinking and they resort to the back places more.

Q. Mr. MASON: Do you know of representations having been made to the commissioners against the granting of particular licenses, that the commissioners have paid no attention to, or is it just your own opinion? A. It is my own opinion. I do not know much about the commissioners at all. We have nothing to do with them, you see.

Q. Does not the inspector communicate with you occasionally? A. Oh, no.

Q. That is, with regard to the infractions of the law? A. No; I think we run the most of that.

Q. And not the inspector? A. We run it independently, just according to the rules and law of the country.

Q. As you would any other law, that the police are supposed to look after the encroachment of? A. Yes, sir, just the same.

The CHANCELLOR: Q. That is, without complaint being made, you have an inspection and an eye to the conduct of these places? A. Yes, sir, that is the duty of the police force. Their general instructions are to pay attention to all licensed places, to see that the law is carried out.

Mr. MASON: Q. Have any charges been entered against the places that you spoke of, as not being desirable to have licensed? A. I don't know, I could not tell you that. We did not enter any.

The CHANCELLOR: Q. I suppose you are referring to it being a matter of discretion and judgment? In your opinion, it was not a wise discretion to grant them in certain places, although they may apparently have been conducted in an orderly way. You think the public would be better served by their not being there? A. That is just my opinion.

Q. Other people might have different opinions? A. That is true.

JOHN HENDERSON, city clerk of Ottawa, appeared before the Commissioners and was interrogated as follows:

The CHANCELLOR: Q. How long have you been city clerk? A. Three years.

Q. Before that had you been in municipal matters? A. No municipal position, except as city alderman

Q. Do you know anything as to the manner of conducting any of these offices, sheriffs, registrars and so on? A. Yes; I have a general acquaintance with several of them.

Q. What do you think about the manner of appointing any of these officers, clerks of the court, sheriffs, registrars and so on. Have you seen this list of questions? A. Yes.

Q. What do you think generally as to the appointment? A. Well, I think the plan followed at present is one which commends itself to my judgment. I should prefer to see such appointments in the hands of the Government of the day.

Q. You yourself are nominated by the council? A. Yes.

Q. In the case of the city clerk, how do you think that committing that to the suffrage of the electors would work? A. I think it is infinitely better to have it in the hands of the council than in the hands of the electors. The fewer parties you have to deal with in a matter of that kind the better.

Q. The city council have the control of city affairs and make the appointment, and the Government of the country having the control of the country, should make the appointment? A. Yes. They understand the situation of the case better than the public.

Q. How do you think the city council and county council would deal with the appointment supposing it were turned over to them to appoint sheriffs, registrars and court officers. Do you think the result would be as good as now? A. I do not.

Q. What do you think would be the reason of that? A. I think just the same as in the case of a municipal officer, that the controlling body should have the appointment of the officers. The controlling body is more familiar with the work to be done, and I think it is more likely to exercise a wise prudence in their selection.

Q. Speaking of Division Court clerks and bailiffs for instance, do you think they could be beneficially elected by the localities where they serve, instead of being appointed by the Government? A. I think not. I should prefer that the Government appoint them in every case.

Q. Then as to the manner of compensation? A. That is a vexed question just now. It has been brought up during the late election, and has caused a good deal of excitement. For a while I rather leaned to the abolition of the present system of fees, but on thinking the matter over, although there may be some injustice and inequalities on the whole, I do not see that a better plan could be adopted. There may be some cases where some of the registrars and sheriffs may get a little more than they ought to compared with others of their standard, but these inequalities will exist in every case, even in the case of salaries as well as fees. Then, while the amount may seem to be large in some municipalities, yet after all we cannot tell how much too much it is, because large incomes from fees mean a large amount of work to be done and corresponding responsibility. That means a large staff of employees, and therefore I should not like to say that any of them are overpaid. In the city, I am perfectly satisfied they are not overpaid. The municipal officers are not included in the list, but I think the same applies to county officials, sheriffs, registrars and others. I do not think that any of them are overpaid for the work they do and the position they occupy. I do not know what better plan could be adopted than that followed just now. To abolish the present system of fees and put all on an average salary would probably create considerable expense in another direction. For instance, if you were to allow all fees to be drawn and paid over to the treasury, and salaries paid out of that to the different officials, almost another bureau or department would be required to control the work and oversee it.

Q. Do you favor the present system of grading the amount, that is, when the official gets up to a certain amount it is for his own use, and then after that a certain percentage is paid over? A. Yes; I think the only way to meet the objection of some of the officials being overpaid, might be to increase the amount of the percentage after it rose to a certain amount. For instance, in the case of registrars, after the income arrives at a certain amount there is a percentage to be paid over to the municipality. Possibly that percentage might stand a little increase. But outsiders cannot speak positively unless they know what the necessary disbursements are which have to come out of the gross revenue.

Q. There is a minimum of fifteen hundred dollars, and supposing you take a maximum of twenty-five hundred, or whatever it might be, by letting it fluctuate between those two, and everything over that, to be put to the use of the public; would you favor a system of that kind? A. Yes, I would favor it, but I think I would be disposed to give more than twenty-five hundred dollars in certain cases. Take the case of registrars and sheriffs, and some other officials in large cities, where the responsibility is very great, and the position they occupy is such that they require a larger income than in smaller municipalities.

Q. That would be only referable to the country places, perhaps. In the cities the expense of living is higher, and the work is much more extensive? A. Oh yes. It is a position too, of dignity; and they should have a comfortable independence in money matters. They have to discharge social duties in connection with that position. They have and should be enabled to live free from pecuniary embarrassment.

Mr. ROBINSON: Has there been any agitation in your council touching these appointments? A. There has not. The subject has never been brought up.

Q. You are opposed entirely to any of these appointments being voted for by the people? A. Decidedly.

Mr. BROOKS: What would be your objection to that? A. I do not think you would get as satisfactory a class of officials.

Mr. ROBINSON: You think politics might come in? A. I think the Government of the day is better qualified to make a wise selection, than the mass of the electors would be.

The CHANCELLOR: Take the county of Carleton. The sheriff is for both city and county. What is the population of Carleton and Ottawa combined? A. Ottawa is close upon 50,000 or 48,000, and Carleton is probably about 35,000.

Q. That is about $80,000? A. Yes.

Q. How would the people, in the case of a popular vote, on the sheriff or registrar, go to work to make a selection? How would it be worked? A. I suppose, you would have to take the ordinary election list of provincial voters, and it would come down almost to a political contest.

Q. It would come down to party lines? A. Yes.

Q. Party machinery would be made use of? A. Of course, so far as party lines are concerned, these are pretty well observed by the Government, in making the appointments, but, we would have an equally exciting election in the appointment of officials, that we have in the election of members.

Q. It is quite true the Government recognizes party lines. But, would you wipe out party lines, by referring it to a popular vote? A. Oh, no, no.

Q. You would have that evil, if it is an evil, existing in the other system? A. Yes; and as we have too much of it now we do not want to have it intensified by the introduction of a party contest over every official appointment.

Q. If you gave the election of these officers to the people, would you not have the introduction of politics into the municipal system, much more extensively than now? A. Certainly you would, which would be much to be deplored.

Q. Is there any other matter that you wish to speak of, that we have not touched on? A. No, sir; I have thought of nothing else.

GEORGE COX, Esq., Mayor of the city of Ottawa, appeared before the Commissioners and was interrogated as follows:

The CHANCELLOR: How long have you been in the council? A. About twelve years.

Q. Have you been in any other municipal offices than mayor? A. In the council. I have only been mayor for this year.

Q. What is your opinion of the appointment of the different officers? A. I have so little business to do in this line, I have hardly anything to suggest

in regard to it. I do not know much about the matter. I know very little about the questions that are asked here. My experience refers more particularly to municipal matters.

Q. Do you think these appointments could be judiciously introduced into municipal affairs? A. No sir, I do not.

Q. Do you think it would tend to the advancement of the service? A. I do not. I think it should be under the control of the Government, that the Government should have the appointment. Owing to a want of connection with the business of these offices, I am not able to give you the ins and outs, or the reasons why, but my general idea is, that I think the present system adopted is the proper and correct one.

Mr. ROBINSON: Have these questions come up for consideration in your council? A. No sir; never been agitated at all.

The CHANCELLOR: So that you would leave things as they are? A. There are some things, of course, in municipal matters that are not touched on here, that I have very decided opinions upon. I think municipalities, who have the onus and responsibility on their shoulders of paying, should have the appointment of certain officers.

Q. In what case do you think they pay, and should appoint? What is in your mind? A. I have in my mind, particularly, our police magistrate, and all the police. The mayor, *ex officio*, is a member of the police commissioners. There is the county judge and the police commissioners, and our police are all appointed and paid. We make out our list. The mayor has one voice in the matter only. The council, through the mayor, has only one voice as to the appointment; though the payment is a first lien on our corporation fund, we have only one voice. I think we ought to have more voice in it, or else have the appointment.

Mr. ROBINSON: That is carried out to a greater degree in the school system? A. Exactly the same way. That is the first lien upon us, but we have, of course, in the school system, the election of the school trustees.

Q. What would you suggest as a remedy? What additional power would you want your council to have? A. To appoint more representatives on the board of police commissioners, so that we would have more control of it.

The CHANCELLOR: To have a majority of the board I suppose? A. Yes.

Mr. ROBINSON: But, if you had a majority there would not be much use of the other commissioners? A. Then what is the use of the other two? For instance, there is the county judge and the police commissioner.

Mr. MASON: Does not the history of the police question show that that was done deliberately? A. Yes.

Q. And was it not done advisedly? A. Very likely it was.

Q. My experience of that, as a public man in the city I come from, leads me to know that it was done advisedly there, and with very beneficial results? A. Well, I do not exactly like the idea, I do not speak more particularly of the police, because I think it would be perhaps well to keep it within a very small committee to settle on the choice of them, but I speak more particularly with reference to the salaries of the police magistrate, for instance.

The CHANCELLOR: There is another officer not mentioned here, license commissioner; do you think any change should be made in that appointment? A. No sir; I think the license commissioners is a very good body to have. I think it as well that the licenses should come under their control.

Q. Under the Government control? A. Yes sir, I think so; and I think, in reference to that, that the licenses and the police should be kept as far apart as possible. A case lately came up in which I interested myself a little. The license commissioners appoint their inspectors. Now, those inspectors are the ones that should be more directly responsible than the police.

Q. They separate it from the usual run of police matters? Have they a special department? A. Yes; the police have a considerable control. The police have a great deal of power. I know a case came up. A policeman went into a place on Sunday evening and asked for a glass of liquor; the hotel man said, well, you are a nice fellow on Sunday to come and ask for this. Well its all right, and he was afraid to offend the policeman, and he gave him the liquor. He turned round and informed on him. I think that is an abuse. These are matters that do not come up here, however.

CORRESPONDENCE.

CORRESPONDENCE.

In answer to questions submitted by the Commissioners appointed to enquire and report on the facts bearing on the various views expressed in respect of the mode of remunerating and appointing Ontario Provincial officials now paid by fees, the undersigned begs to say as follows:

By all means let the following officers be appointed by the Provincial Government, viz., registrars of deeds, sheriffs, local and deputy registrars of the High Court of Justice, deputy clerks of the Crown, clerks of County Courts, registrars of Surrogate Courts, and county attorneys and clerks of the peace.

As to local masters I do not express an opinion, as I am at the present time ex officio discharging the duties of that office. But if any other person than a County Court judge is a local master, he—the same as such judge—should not be permitted to carry on the practice of his profession as a barrister or solicitor.

As to Division Court clerks and bailiffs I do not like to express an opinion as to whether it is more in the public interest that these officers should be appointed, as formerly, by the County Court judge, or, as for some years past, by the Provincial Government. But I would not disturb the present state of matters, and therefore say let the appointment rest with the Government.

Under no circumstances should any of the above named officers be appointed by a municipal council, or elected by the people. There is not in a municipal council any body or organization which bears to the council as a whole the same relation as the Government does to the Legislative Assembly. And even if there were I do not think the council should have the appointment of the above named officers or of any of them.

Under the present system appointments are likely to be of a political character (as they would also be if made by municipal bodies or elected by the people), but now when once made the tenure of office although nominally only during pleasure is virtually "during good behavior." This has become the unwritten law of the province. Were a change made in the system and these officers appointed by the county council I believe there would not only be no safety of tenure, but the official would perhaps be changed just so often as there was a change in the preponderance in the council of one or another of political parties, —Conservative, Reform, Patrons of Industry, or what not.

If the officers were elected by the people there would surely be a demand that they should hold office for a limited period of time, and each official would be tempted to know only two classes in the community, those who supported him

and those who did not. And in the case of sheriffs and county attorneys,—possibly in the case of some others,—this might seriously interfere with the due administration of the law. And in the case of all these officers there would be a temptation to curry favor in view of the next recurring election to fill an office.

In connection with this subject, I would suggest that the statutory provision at present in force as to the appointment and removal of gaolers be extended to deputy sheriffs and deputy registrars, or else that these officers be appointed by the Government.

As to mode of payment, possibly in the case of local and deputy registrars of the High Court of Justice, deputy clerks of the Crown and clerks of County Courts, it would be well that salaries should be paid. Perhaps the same remark would apply to county attorneys. But sheriffs, at any rate as to some of their work, registrars of deeds, clerks of the peace, registrars of Surrogate Courts, and local masters should be paid by fees, with a proviso in the case of the two last mentioned for commutation in case the officer desired it and the Government considered it better.

As to the matter of fees generally, will not the public get better service where fees are paid than in case of a salary? The salaried officer will perhaps open and close his office at the statutory hours, while the official paid by fees will perhaps come earlier and stay later, or even work at his home at night.

And now a few words as to the mode of remunerating clerks and bailiffs of Division Courts.

No other than the fee system is feasible unless in cities and large towns Nor is any other desirable or fair. In almost every community there are some few litigious or thriftless persons by or on account of whom a large proportion of the litigation in these courts is occasioned, or rendered necessary. These people should bear the costs, (paid in fees), and not have the community taxed by the payment of a salary. All or nearly all, the fees allowed to these clerks and bailiffs are in the first instance fixed by the board of County Court judges, and then approved by the Justices of the High Court, and I do not think exception can reasonably be taken to the tariff of fees as it now is.

HERBERT S. McDONALD,
Judge County Court,
U. C. of Leeds and Grenville.

Dated at Brockville, 5th May, 1894.

MILTON, 25th April, 1894.

JAMES FLEMING, Esq.,
Sec. Fee Com., Osgoode Hall, Toronto.

DEAR SIR,—In reply to the questions which you send me for answers, I beg to say as follows:

1. I do not suggest any additions to the list you send me. I think it would be more in keeping with the position if Surrogate judges were paid salaries instead of fees.

2. I think appointment of the officers named, by the Provincial Government is preferable to any other mode of appointment. No case has come under my notice that would suggest the desirability of any change.

4. I approve of the present system of payment by fees. I think upon the whole it is best. More active attention to business, payment in proportion to services, and payment by those who are served, are briefly my reasons. The chief objections I see are that the desire to reduce the fees in order that officers in the more populous counties may not be overpaid, brings about the result that the officers in smaller counties are now underpaid, and I think the deputies who are, as far as my experience goes, the really useful officers are underpaid and overworked. Payment by salaries and the appointment and payment of deputies by the Government, where the volume of work makes deputies necessary, might overcome these difficulties. Division Court officers in all country places can discharge their official duties without interfering to any appreciable extent with their other duties; I therefore think they are well enough paid under the present system. Any salary that would probably be fixed would increase their remuneration.

8. I think election of any of these officers by the people would lower the efficiency and impartiality of the service.

9. I do not approve of the appointment by municipal councils. I do not think a majority of the members of any municipal council in Ontario understand anything about the duties these officers have to perform.

10. I think the present agitation in this matter is largely due to the fact that the officers are not compelled to give their whole time and personal supervision to their offices. The people see that very poorly paid deputies and clerks really do the work. If the officers were compelled to pay proper salaries to those whom they employ, they could not afford to employ so many and would attend to the work themselves. I know of one registry office where a deputy and for a time two deputies and one or more copying clerks were employed. A new registrar was appointed and was compelled by the present Government when appointed to pay his deputy $1,000 per annum. The registrar now employs only one deputy and no copying clerks, but works himself every day and all day, and the office is, I think, a model one.

As my suggestions would probably be of little real assistance in solving the difficult questions under consideration, I do not feel at liberty to answer at any greater length.

I have the honor to be,

Your obedient servant,

COLIN G. SNIDER.

ANSWERS TO LIST OF QUESTIONS SUBMITTED BY COMMISSIONERS RE REMUNERATION AND APPOINTMENT OF CERTAIN OFFICIALS, FROM C. O. ERMATINGER, JUNIOR JUDGE, COUNTY OF ELGIN.

1. I think the list of officials given covers the ground of inquiry.

2. Subject to the remarks hereinafter made as to registrars, I think the registrars and sheriffs should be appointed by the Provincial Government on the recommendation of the county councils or city councils, as the case may be, and on the same tenure of office as at present. Where the same official serves for both county and city, then the joint recommendation of both county and city council to be required, and in case of failure to agree, then appointment to be made solely by the Provincial Government. The appointment of all the other

officials named should, in my opinion, be made by the Provincial Government, but only with the concurrence of the judges of the respective courts in which they are to act. This method of appointment would, in the case of the two first named officials, give a voice in these appointments to a body more in touch with the people specially served by these officials, a body not elected on questions of party politics, and would tend to allay all complaints as to the Government possessing too great power regarding the appointment of officials drawing their remuneration chiefly from the municipality served by them, while not, I think, tending to lessen the efficiency of the public service. In regard to the other officials, the responsibility of Government would be shared, and its action often beneficially directed by those more immediately concerned in the duties the officials have to discharge.

3. Under the supervision of provincial inspectors appointed by Government with the concurrence of the judges of the Supreme Court of Judicature for Ontario, and of the judges as well, in the case of court officers.

4. I am in favor of salaries, as more equitable and as tending to lessen litigation and allay complaints of unjust charges, etc. The salary system would, I should think (if adequate salaries are paid), be better for the officers themselves, as their incomes would be regular and not subject to fluctuation, nor to be pared down by legislation whenever agitations inseparable from the present system arise, to which the Government is obliged to yield. Stated salaries are never likely to be interfered with, unless by way of increase.

5. I think the officer should be paid out of the funded fees of the office he fills. In the case of insufficiency of revenue, then the Government and the municipality should combine to make up the deficiency, as in administration of justice, educational matters, etc.

6. Not less than $2,000 for registrars, sheriffs, local registrars of H. C. J., county attorneys (salary to cover all the offices held by each); not less than $1,000 for Division Court clerks, who give their whole time to the duties of their office; $500 to $1,000 for bailiffs. Local masters in proportion to the work of their offices.

7. If the deputy be necessary the funded fees of the office should pay his salary. He should be appointed in the same manner as his superior officer. Other necessary assistance should be paid from same source so far as revenue permits. If revenue insufficient assistance can hardly be necessary, but if it were deficiency could be met as suggested in answer 5.

8. I do not approve of election of any such officials by the people.

9. Answered in answer No. 3. Much would necessarily depend on the system of inspection, as to the collection of fees and the proper discharge of their duties by officials. It might be that officers would not be as watchful of the revenues of the office or as zealous in all cases in the performance of duties as where, under the present system, such watchfulness and zeal would directly benefit themselves, and to counteract any laxity of this kind the inspection should be rigid.

10. With regard to what is said in answer No. 2 as to registrars, what I have stated has reference merely to registrars under the Registry Act, not under the Land Titles Act. Where, as in this county, the offices of registrar and local master of titles are combined in one person (a convenient and economical arrangement), that person should be a legal man of superior attainments, and therefore

should receive a higher salary than the ordinary registrar, such salary to cover his duties under both Acts. As the Land Titles Act, outside Toronto, is in an experimental stage, I have answered question 2 without reference to it ; but I would nevertheless favor the appointment by the Government in each county (as vacancies occur) of a skilled legal man as registrar and master of titles at a good salary, and the reduction of the fees imposed to bring titles under the Land Titles Act to a nominal amount, to encourage the bringing of titles under that Act At present the Act is largely a dead letter in this and other counties, partly because the fees of bringing lands under the Act are considered high. Such an appointment is not one which it would be advisable to make solely on the recommendation of the county council, involving, as it would, special knowledge on the part of the appointee. An alternative arrangement might be the employment of county judges as local referees or masters under the Land Titles Act for certain fixed remuneration.

While favoring the principle of salaries for all officials, I think it worthy of consideration whether for some special services extra allowances should not be made as an incentive to zeal—*e. g.*, poundage or commission on sales by sheriffs and bailiffs.

The amounts I have mentioned for salaries are intended as minimum amounts, which in some cases might be quite inadequate. This is, however, a matter of detail.

I would favor, also, the funding of fees of all Surrogate judges and payment of salaries instead, providing the junior judges, who do a large proportion of the work (in some cases the greater portion of it), are treated similarly to the seniors as to salary.

Respectfully submitted,

C. O. Ermatinger.

St. Thomas, May 3rd, 1894.

List of Answers.

1. No.

2. With regard to Division Court clerks and bailiffs I think it would result in obtaining better officers if the county judges were asked to recommend the appointments to the Government. As at present appointed many of them are men who do not possess the confidence of the people as they should. As for the other appointments I prefer them made as at present.

3. I would not change the present supervision.

4. I do not know any better system of paying than that at present in use.

6. I do not think the present rate of remuneration too high, except in a few instances, in the province. These I would reduce by transfer of a certain surplus to the Provincial Government or to municipality as might be decided.

7. I prefer the fee system to a fixed salary as it is capable of being made a much fairer remuneration for the work done and in my opinion it conduces more to careful attention to the details of the office work.

8. I do not approve of election by the people of the officers named, and think the most desirable class of persons would not offer themselves for election —in fact it would run the whole system into the ground. For my part I like

to see officials in respectable offices possess a certain degree of education and respectability, and I think we have not too many of those now, but under the elective system I am convinced the tendency would be decidedly downward.

9. I don't approve of selection of those officials by municipal councils, as I do not think those councils qualified to make proper selections, and it would materially lower the dignity of those officials to have to seek their appointments there.

10. I might say that I would allow sheriffs to appoint their own turnkeys.

11. At the risk of adding impertinent matter I hazard my opinion, though coming from a decidedly interested source, that the county judge, as the presiding officer of his county, should receive a salary corresponding to his position. He should not receive less than his sheriff, or the registrar, or any other official of his county. From my own knowledge I know that in the districts at any rate, his fees as Surrogate judge do not amount to more than $50 per year, and if he be local master they will not average more than that sum, while men whose duties are merely routine receive often three times the judge's salary.

12. I think if governments were bound to appoint alternately from each political party it would tend to make a better class of officials and do away with a great deal of the friction that naturally results from the present system which is a carrying out of the axiom that "to the victors belong the spoils," which seems to me to belong to a by-gone age.

W. C. Mahaffy,
District Judge,
Muskoka and Parry Sound

April 28th, 1894.

List of Questions.

List of questions prepared by the Commissioners appointed to inquire and report on the facts bearing on the various views expressed, in respect of the mode of remunerating and appointing Ontario Provincial officials, now paid by fees, etc.

1. Assuming that the following officials are those under consideration: Registrars of deeds, local masters, sheriffs, local and deputy registrars of the High Court of Justice, deputy clerks of the Crown, clerks of County Courts, registrars of Surrogate Courts, county attorneys and clerks of the peace, Division Court clerks, Division Court bailiffs, are there any others (local officials) that you would suggest in addition, and if so, for what reasons? A. None.

2. Do you approve of the appointment of any, or all, of the above officers being in the hands of the Provincial Government, (as at present), or should they, or any of them, in your opinion be otherwise selected; if so, by whom, and for what reasons? A. I approve of the appointment by the Provincial Government.

3. If you advocate a change in the mode of appointment of any of the above officers, how, and to what supervision should the officer be amenable for efficient and faithful performance of duty during the term of office? A. It could not be better than at present.

4. Do you approve of the system of paying any, or all, the above officers by fees, (in whole, or in part as at present)? If not, what other or better plan do you suggest, and for what reasons? A. By fees up to a reasonable salary; above that fees to be dealt with by the Government.

5. Should any of the above officers be paid out of the general revenue of the Province, or by the local municipality for which the appointment is made, or by the particular persons for whom the service is rendered? A. By the latter, I think.

6. What rate or amount of remuneration do you approve of with reference to any, or all, of the above officers? A. In towns, $1,200 to $1,500; in cities, $2,000 to $2,500; except as to Division Court officers, whose salaries might of course be much lower.

7. If a fixed salary is to be given to any officer, how would you provide and pay for deputy, or clerks, or other necessary assistance, where the person appointed was not able to do all the work of his office? A. Let the fees be funded, and the salary paid by Government out of the fund.

8. If you approve of election by the people of the above officers, or any of them, what method of public inspection, during the term of office, do you suggest for securing uniformity of procedure, and the safety of the public? A. I do not approve of the election of any of them by the people. I think it would be a step decidedly in the wrong direction.

9. If you approve of selection by the municipal council, what method of public inspection do you suggest with a view to securing the objects mentioned in question No. 8? A. I do not approve of appointment by the councils.

10. What suggestions or facts have you to offer, not embraced in the foregoing questions, which may aid in this inquiry? A. I think the apparent tendency in some quarters towards unsettling the matters referred to should be firmly and strenuously opposed.

11. If you add any other officers to those named in the first question, give (as to them) all the information sought in the other questions. A. I think of no others.

E. Merrill,
Judge County Court,
County Prince Edward.

Napanee, 26th April, 1894.

James Fleming, Esq.,
Osgoode Hall, Toronto.

Sir,—In reply to your letter of the 10th inst., requesting my views with respect to the mode of remunerating and appointing certain provincial officers, such as sheriffs, registrars of deeds, etc., I beg leave to state that so far as the appointment of these officers is concerned I entirely approve of the present system, believing it to be much preferable to having such officers elected by popular vote or appointed by the county councils. I am of the opinion that under the method now adopted a much better class of men is secured for the public service than would likely be obtained by either of the other means suggested. Since the change in the law, placing the appointment of Division Court clerks and bailiffs in the hands of the Provincial Government, I have had every reason to be satisfied with the character and qualification of the persons appointed to these offices. The inspection has proved most useful in the public interest. It would be deprived of much of its value if the officers were responsible to others than the Government.

The question of remuneration is a somewhat difficult one. It would seem but fair and reasonable, however, to require those who make use of such officers to pay for the services rendered. In some instances, where the fees of sheriffs and registrars amount to a large sum, a percentage above a certain figure might be paid over to the Government and a fund created, out of which the receipts of some of the smaller offices could be supplemented in order that a minimum allowance of about $1,600 per year could be paid.

I think that in the case of county attorneys and clerks of the peace it would be advisable to depart from the present system and to pay them by salary. The services performed by these officers partake more of a public character, as they are almost exclusively in the prosecution of criminals. The change, too, would tend to remove an impression, quite unfounded, I am sure, that these gentlemen desire to promote prosecutions. It would also destroy much of the force of the reason advanced against substituting these officers for grand juries in the event of the abolition of the latter.

I have the honor to be,
Sir,
Your obedient servant,
WM. W. WILKISON.

JUDGE'S CHAMBERS, COURT HOUSE,
GUELPH, 27th April, 1894.

JAMES FLEMING, Esq.,
Sec. Comn., Toronto.

DEAR SIR,—In reply to your inquiry as to my views *re* the mode of remunerating and appointing certain provincial officers, I beg to submit the following answers to the several questions:

1. I cannot suggest any addition to the list.

2. I approve of the appointment of all the officers named by the Provincial Government as at present.

4. As a general rule I think payment by salary instead of fees is advisable. I am not aware, however, that the present system has resulted in any great injury or inconvenience to the public or the parties concerned.

5. In the event of a change I think the fees should be funded and the salaries of the officers made a first charge thereon—the balance to go to the general revenue of the province.

6. I think the minimum salary of a sheriff should be $2,000; that of a registrar $1,500; and as to the other officers, the salary should be based on the average receipts of the office during the preceding five years—and be subject to re-adjustment every five years.

7. When deputies or clerks are required I think they should be appointed by the Government, and their salaries paid out of the fund on a proper scale according to the importance of the office.

I have the honor to be,
Your obedient servant,
J. JAMIESON,
Jun. County Judge.

SARNIA, 21st April, 1894.

SIR,—I have the honor to acknowledge the receipt of yours of the 10th inst., together with the paper annexed. I shall reply to the questions therein as well as I am able in the order in which they stand.

2. I do approve of the appointment of the officers enumerated in the first paragraph of the said paper being in the hands of the Provincial Government.

3. I advise no change in the mode of their appointment.

4. I do approve of their being paid by fees as at present.

5. They should be paid by the persons who get the benefit of their services.

6. What their fees come to, if not excessive.

7. In such case let the Government fix the amount to be paid for the necessary assistance.

8. I do not approve of election by the people.

9. I do not approve of election by the municipal council.

10. I have no suggestion to make except that the agitation that has given rise to these questions is utterly contemptible.

I have the honor to be, sir,
Your obedient servant,
CHARLES ROBINSON.

COUNTY JUDGE'S OFFICE,
ST. THOMAS, May 1st, 1894.

REPLY OF D. J. HUGHES, JUDGE OF THE COUNTY COURT OF THE COUNTY OF ELGIN, TO THE LIST OF QUESTIONS PREPARED BY THE COMMISSIONERS APPOINTED TO ENQUIRE AND REPORT ON THE FACTS BEARING ON THE VARIOUS VIEWS EXPRESSED, IN RESPECT OF THE MODE OF REMUNERATING AND APPOINTING ONTARIO PROVINCIAL OFFICIALS, NOW PAID BY FEES, ETC.

As to the Mode of Appointment.

I would say first that I would entirely deprecate the appointment of any other than municipal officers by either city, county, or other municipal councils—the men elected to these bodies are generally men of bucolic or untrained or unthoughtful minds, and therefore unsuited to make judicious selections for county officials.

The considerations actuating the appointment by municipal bodies would be of the most varied and unaccountable description, perhaps frivolous, indescribable, and undiscernible upon any grounds of logic or common sense—totally apart from the considerations of attainments and fitness for duty.

Appointments made by the Governments are too often a scrambling for office on the part of political partisans, which result as often in the appointment of persons who are what are familiarly termed " party heelers " to the detriment of the public, and attenuating of efficiency in the public service.

As to the Persons to be Appointed.

1st. I think, as to the registrars of deeds that the appointment should be exclusively confined to those who alone by legal attainments can discharge the functions properly.

2nd. I think the local masters are an unnecessary expense to suitors, and that this is an entirely unnecessary office. The patronage, as to this office, has been used as a means of rewarding political supporters—not because the men appointed were either as barristers or solicitors, *good lawyers* (some of them are not lawyers at all), but because they have been needy politicians. They ought to be lawyers; when the judges of the Court of Chancery had the power of appointing them, they always appointed barristers of some years' standing and experience at the Bar. Since it has fallen into the hands of the Government, this rule may or may not be observed to suit the interests of the ruling party in politics. It is a judicial office, and should not be filled by one who is only a political partisan.

Of Sheriffs.

This is an office which should neither be filled by a vulgar ignoramus nor by a mere politician—it should not be made elective, either by direct vote of the people, or by municipal, or county or city councils—for the reason that he is required very often to perform functions that may be distasteful to, or contrary to the prejudices of the people, or of the ignorant, or of the non-law-abiding portion of the public. He ought to be, as now, appointed by the Government—which, on the whole, is really the better system.

The local and deputy registrars of the High Court of Justice in the several counties, as well as the *deputy clerks of the crown*, and *clerks of the County Courts, clerks of the peace* and *registrars of the Surrogate Courts*, should be combined in one office, as present incumbents drop off or resign, except in the county of York.

The functions of these officials might be performed (outside the county of York) by one officer—to be selected from amongst those who could furnish some guarantee for their fitness and ability by their long experience in the actual and active practice of the legal profession, for at least *five* years, or who have served in some one or more of the principal offices of the High Court of Justice at Toronto for at least three years. They ought, with these limitations, to be appointed by the Government.

The County Crown Attorney

should on no account whatever be elected directly by the people, or appointed by the municipal (county or city councils), for the most obvious reasons which I consider it quite unnecessary to state. He should be independent of the people, and above popular election, and truckling to popular methods.

The Clerks of the Peace

should be no longer *ex officio*, county crown attorney, but he should be *ex officio*, clerk of the County Court, and appointed in the same way, or the clerk of the County Court should be *ex officio* clerk of the peace, except in the county of York, where the offices might be necessarily separated.

The Clerks of Division Courts.

Owing to the isolated position of many of these officials, who have no assistance from members of the legal profession (as some of them have), for reference or assistance to guide them—they ought to be selected and appointed *only for their fitness and competency for the discharge of their duties*, and not with a single eye (as at present), to their political alliances. I do not hesitate to say that many of the clerks of Division Courts appointed by the Government (since the power of appointment was taken away from the county judges), have been ignorant men quite unfit for their duties—I have in the forty years of my judicial experience appointed many clerks, and got rid of some, but I have yet to learn that any of those appointed and continued in office for any length of time by me, were unfit for duty, or failed to give general satisfaction to the public. I have removed some or got them to resign, after proving themselves unfit (some of these were of my own appointment), and after disappointing my expectations.

These clerks ought not to be appointed by any municipal body whatever. By whomsoever they are appointed, it should proceed only upon the recommendation, or by the approval of the county judge, who, if he approves of their appointment and does his duty, should take pains to instruct the clerks, who are capable of receiving instruction, in their duties. I have never failed to do this myself to the clerks in my county, whether appointed by myself or by the Government. If a person distasteful to the judge were elected or appointed, I can easily understand that friction might ensue, and that the judge might feel himself in no wise bound to give such necessary instruction (he would be quite justified in withholding it if an unfit man were forced upon him), without which assistance the business of the court (in many cases) could not be conducted in the interests of the public. No clerk could possibly perform the duties properly without entire harmony between the judge and himself. The duties of the clerk in the larger divisions, where there is much business to be transacted, and many suits pass through his hands, are more complicated than the general public suppose—their nature and importance can only be appreciated by those who are initiated. Theory cannot reach the practical working of the office, and unless the officer be a lawyer with some brains, he cannot, without instruction from some adequate source, be equal to the duties. The clerk should be a man capable of giving instructions to the bailiff,—but in some of the appointments made by the Government, the bailiff has been obliged to instruct the clerk.

The prohibition of Section 28 of the Division Courts Act is correct in principle, but to prohibit the appointment of a barrister or solicitor would be a mistake—the very opposite should be the policy.

The provisions of the Imperial Act, with regard to the qualifications for registrars of the English County Courts, show that the appointment of professional men is the rule, and a necessity in those courts.

The Bailiffs of Division Courts.

Much that has been said as to the appointment of clerks applies to the appointment of bailiffs. I happen to have three of the best bailiffs in the province, two of whom are of my own appointment, and one by the Government. Of the appointment of the last named I had something to say in recommendation—but his predecessor, who had been appointed *solely upon his political party merits*, without my knowledge, was an honest man, but a signal failure, for he proved to be a crank, totally unfit for the duties—which he discovered for himself and then resigned.

To place the appointment of such an officer in the hands of a municipal council would, as in the cases of the sheriff and the county crown attorney, and for the reasons I have given as to those officials, be a complete mistake. An election to this office by the direct vote of the people would be an utter absurdity.

With regard to the expediency of appointing other local officials, as suggested by the first question,—I think there are too many already—I think, in all the smaller counties, some of the offices should be consolidated—for instance, in the rural counties the clerk of the County Court should be *ex officio*, clerk of the peace, instead of the county crown attorney being *ex officio* clerk of the peace, and that the salary might cover both offices, that the office of the local master should be abolished and the judicial functions of that officer performed by one of the local judges of the High Court.

That the care of all public records and documents, the registry of all instruments of a public nature or of commercial importance, should be kept in the public registry. That all bills of sale, chattel mortgages, judgments, wills, probates, letters of administration, of births, deaths, marriages, bankruptcy, insolvency, and other proceedings (upon which the title to lands may depend), the filing of executions against lands, etc., should all be filed of record, and taken care of in the one office, under the care of the one registrar of deeds, as a common registry—to be appointed by Government, as at present, and paid by salary and the fees funded.

To the Second Question.

I have no faith whatever in the present methods of appointment to office—and the elective principle would be no better—but probably worse. I regard fitness and suitable attainments as of primary importance.

That the interests of the public are of paramount importance in all appointments to office, and the interests of the ruling political party are secondary, or should not be of weight where fitness for duty is indispensable.

If the judicial office of local master may be discharged by the appointment of a man only upon the consideration of his political leanings, and not because he is a good lawyer, or a lawyer at all, why may not the county judge be appointed in the absence of legal qualification? I think, in other respects, my reasons and reply to this question are given in the foregoing remarks.

To the third question my reply is that I think the present mode of inspection and supervision is unobjectionable, but unnecessarily expensive, except that the inspector ought, as in the case of the inspector of legal offices, to be competent to inspect from his knowledge of law and legal principles. I do not see the need of so many inspectors of legal offices—they ought to be consolidated.

To the fourth question I answer, most unqualifiedly, that I am and always have been, opposed to the payment of officials by fees—for reasons set forth in a letter of which I send herewith a copy, addressed to the Hon. Edward Blake some years ago. I think the judges of the Surrogate Court should be paid like all other officers of justice, by salary and not by fees—all fees should be funded, and the officers all paid by salaries fixed by law. The local masters of the High Court, the county registrars, and others paid by fees are all subjected to the imputation of charging more fees than are justified by law—some of the clerks of Division Courts have been doing so all along—the former of these officials, whose fees are not commuted for salaries, are notoriously given to granting enlargements and adjournments, and charged with needlessly spinning out time and pro-

longing proceedings that greatly enhance expense, and increase their own fees. Some of the local masters who have desired to commute so as to be rid of this imputation, have been refused commutation by the Government, and I myself have applied for commutation of my fees as judge of the Surrogate Court, claiming to do so on the same basis of calculation that was allowed to another county judge who was similarly circumstanced, and I was refused, without any reason being given for a distinction being made between the other judge and myself.

The county registrars are charged with extending abstracts needlessly—and charging exorbitant fees—that they could not justify before a legal tribunal. I know that I tried a suit once whilst presiding as judge of assize at Walkerton, which had this feature, but which had the effect of considerably reducing the overcharges in which county registrars had previously indulged—I refer to the case of Ross *vs.* McLay, 25 cp. 190, overruled in part by Macnamara *vs.* McLay; 8 app., rep. 319.

I have been an auditor of the accounts connected with the administration of criminal justice for over forty years, and I know that for most of those years the claimants upon county funds have been restrained more by the knowledge of a proper audit of their accounts than by an honest desire to demand just what fees the law allowed, and no more—with some of these a quarterly conflict was kept up, by oft-repeated and barefaced insistence upon fees and charges being allowed them which were not only unjustifiable (some of them not actually earned) but fabricated—yet verified by the oath of the claimant.

The system is a promoter of dishonesty, if not of perjury.

The officers of justice—all the officers named in the circular—should be paid by fixed salaries, with the sole exception of the sheriff and the bailiffs of the Division Courts, and perhaps the county crown attorney.

The sheriff should have a fixed salary—except that for all necessary mileages he should be paid fees—in addition to all necessary disbursements incurred in the discharge of the duties of his office.

The bailiff of the Division Courts might likewise be remunerated by salary, but he should also be allowed to charge for all necessary mileage and disbursements as in the case of the sheriff. As their services are purely administrative, like those of the sheriff perhaps in civil matters, the fees of sheriffs and bailiffs of Division Courts might very well remain as they are. The fees and charges of bailiffs are made taxable by the clerk, subject to appeal to the judge in every instance.

The county crown attorney ought to have a fixed salary, because he is called to the performance of many duties now, for which there is no remuneration whatever—he should also be allowed special fees for conducting long investigations, in the case of inquests before coroners, or in the case of advising or acting before magistrates in the more important cases of suspected crimes, where ordered by the Attorney-General to attend and prosecute or to represent the Crown, or upon requisition by the local judge,—and should also be allowed necessary mileage and travelling expenses in cases where his attendance is necessary; he should also be allowed to tax a bill of costs in criminal proceedings, where a person convicted of crime is ordered by the court to pay the costs of the prosecution. (See Criminal Code sec. 832 pp. 264, 265, and sec. 834, and R.S.O. cap. 79, sec. 13, 14, 15, and R.S.O. cap. 84, sec. 4.

The system of appointing counsel to represent the Crown at the assizes, and paying them by fees, is in every way objectionable, and subject to the imputation, upon the persons appointed, of working up cases for the sake of the fees. Those appointed to this function are not always equal to the duties. Some have "cleared the gaol," but not secured a conviction in cases when, with ordinary skill, a conviction ought properly to have been the fruit of their efforts. In fact, some of these appointments have been of men totally unfit for such duties, either by their attainments, or experience, or fitness—or sobriety. I suggest that the person to discharge the duties of this office should be an experienced salaried officer; in other words, the county crown attorney of one county might very well be ordered to become the Crown prosecutor in some other county; his salary should cover and be his remuneration. His travelling expenses and disbursements should be allowed, upon audit by the county board, like his similar charges for such duties in his own county. In special cases the Crown might send leading Queen's Counsel in the discretion of the Attorney-General, whenever it might seem necessary—as is done at present. If my suggestions in this respect were adopted, it would be found a saving of expense and secure more and greater efficiency in the administration of criminal justice.

The judges of the Surrogate Courts; the county registrars; the local masters of the High Court of Justice (if this office is to be continued); the the deputy clerks of the Crown; the clerks or the County Courts; the clerks of the peace; the Division Court clerks, and the registrars of the Surrogate Courts, should all be (without exception) placed upon salaries derived from funded fees. The junior judges of the County Courts, when they perform functions as judges of the Surrogate Courts, should all have salaries, as well as the senior judges.

To the fifth question I answer that the general revenue of the province should supply one-half of what might be deficient in the necessary demand upon the funded fees account, and the other half by the county municipalities, and that all tariffs of fees payable to the foregoing officers from county funds should be abolished.

To the sixth question I answer that every judge of the Surrogate Court, including the junior judge, should have a fixed salary of not less than $600, and not more than $1,000. That every registrar of deeds should not receive a salary of less than $1,200, and not more than $2,000, except in the city of Toronto, and the county of York, whose salaries should not be less than $2,000, and not more than $3,000.

Every local master (if the office be continued) the same as the registrar of deeds.

Every sheriff the same, but independently of mileages and disbursements.

Local and deputy registrars of the High Court not less than $1,000, and not more than $1,500 (if separate from any other office).

Deputy clerks of the Crown the same as local and deputy registrars (if separate from another office).

Clerks of the County Courts the same (if separate from another office) excepting in the county of York; and for the county of York, not less than $2,000, not more than $3,000.

Registrars of Surrogate Courts not less than $600, nor more than $1,000—if he is also clerk of the County Court. If not clerk of the County Court, not less than $1,200, or more than $2,000. In the county of York, not less than $2,000, or more than $3,000.

County crown attorney (except in the county of York) not less than $1,000, or more than $3,000. In the county of York, not less than $2,000, or more than $4,000.

Clerk of the peace (if not county crown attorney), not less than $1,200, or or more than $2,000, except in the county of York, and in the county of York, if not connected with any other office, not less than $2,000, or more than $3,000. If also county crown attorney (outside the county of York), not less than $600, or more than $1,200.

Division Court clerk, in the cities of Toronto, Hamilton, London, Ottawa and Kingston, not less than $2,000, or more than $3,000. In other cities, not less than $1,200, or more than $2,000. In rural divisions, not less than $500, or more than $1,200.

Bailiffs of Division Courts (except mileage) not less than one-half the salary of the clerk, and not more than his salary.

To the seventh question I would answer that certain of these officers require very much more assistance by clerks than others. For instance, the registrar of deeds and of the Surrogate Courts have more copying of documents than most of the other officers; and in this particular duty the officer himself should not be expected to take part, as the necessary calls upon his time by persons resorting to his office would prevent his attempting to do copying himself. Many of the sheriffs have seldom need to employ a bailiff, or a deputy, and do not, in fact, employ either. Most of their duties, outside the office, are performed by constables or bailiffs of Division Courts. The sheriff should be considered to be always in his office, in person or by deputy. The remuneration for all such necessary assistance should be paid for upon audit by the board of audit, as accounts for the administration of justice are now allowed and should be paid for out of the funded fees account, chargeable, in the first instance, to the county municipality, or the city (as the case may be), and the same municipality should be recouped any overpaid amount beyond its own just share.

To the eighth question I reply that an election by the people of the before-named officers, or any of them, would, in my opinion, be an unmitigated disaster. Bad as is the present system of appointments, made solely upon a man's political leanings, as they are now, I consider that it is far preferable to what a system of popular election would result in, or could be brought to. There could be no proper inspection of an office without the unqualified power of dismissal of an officer, and it would be an incongruity for an officer to be elected by popular vote, and for his dismissal to be in the hands of an independent tribunal—uniformity of procedure could not be hoped for, if by popular election a totally incompetent candidate for office were elected. Unless proper qualifications for office are made indispensable, uniformity or regularity of procedure could not be secured. By popular election qualification for office, either by character or attainments of the candidate, would be the last thing thought of, and the safety of the public would be nowhere. Were all the electors different from what the generality of our constituencies are, and were all men of character and intelligence, to say nothing of education, it would be different; but everyone who is not a demagogue knows what might be expected from the electorate in the circumstances suggested by the eighth question.

To the ninth question, I do not consider the county council, as a rule, as more competent than is the public at large, for the proper appointment of the officers named. My reasons are hereinbefore set forth.

To the tenth question, I have no suggestion of facts to state in addition to the foregoing, except that, according to my experience, the most puerile and ignorant and narrow-minded considerations are oftentimes brought up in the matter of popular elections. I know that some elections of public officials in municipal affairs have turned upon the most silly issues—sometimes the church to which a candidate belongs or does not belong weighs with the electors, or a majority of them. Some men of certain churches, in certain neighborhoods, however competent or desirable as public officials, could not possibly be elected on account of sectarian prejudices against their religious beliefs. I once knew a candidate for election as trustee of a public school to be defeated because he kept a cow that was breachy, broke into his neighbor's gardens and ate his cabbages that were growing there. This happened in the then enlightened village (now the city) of St. Thomas. I might multiply instances of the kind, but they are too ridiculous and absurd (although true) to be placed on paper. Everyone knows as well as I do, that no hope of efficiency could be afforded by a system of appointment by popular election, or by appointments made by the county or city councils.

Lastly, to the eleventh question, I cannot suggest anything further which could probably be accepted as either useful or practical.

Respectfully submitted,

D. J. Hughes.

Answers by S. J. Jones, County Judge for the County of Brant, to Questions by the Commissioners Appointed to Enquire and Report as to the Mode of Appointing and Remunerating Ontario Provincial Officials.

1 and 11. I would not suggest any other officials for consideration than those mentioned.

2 and 3. I think all these officers should, as at present, be appointed by the Provincial Government. This is virtually an appointment by the people, as our Government is directly responsible to the representatives elected by the people.

The officers so appointed are responsible to the Government, and are subject to their supervision, whereas if appointed by popular vote, it would be difficult if not impracticable to provide for such supervision.

If these officers were appointed by the municipal councils, there would not, in my opinion, be secured as good a class of officials as we now have. The members of the council in making such appointments would too often be actuated by personal favor or prejudice, and the councils would soon be run on party and political lines, much to the detriment of these bodies.

To have these officials elected by a popular vote would, I think, be even more unsatisfactory. The candidates for these offices would, as a rule, be selected by a caucus of a political party, and the qualifications that would count most would be the services that they had rendered to their party, so that the best men would not generally be selected.

Some think that these officials should be elected to hold office for life, or during good behavior. This would not be so bad as an election for a short term of years. But where the principle of election by popular vote is introduced, the short term of office soon follows. This is largely the case in the United States.

While in theory an elective appointment may be argued as the better, yet in practice, as shown among our neighbors across the line, it often produces a corrupt and inefficient class of officials.

It is the duty of a public officer to administer his office in the interest of the whole public, yet, where he is elected by a political party, his sympathies and interests incline him to favor his political friends at the expense of his opponents. Besides his term of office being short, there is the temptation, as they say, to "make hay while the sun shines," or in other words to "feather his nest," while he may. Besides most officers would be anxious for re-election, and they would be inclined to shape their course while in office by favoring their political friends, and contributing to the party funds, so as to secure a re-nomination.

Another serious objection to these frequent changes is that by the time the officer becomes acquainted with his work his term expires, and a new man comes who is unacquainted with the duties.

4 and 5. I think the present system of paying by fees is preferable to that of salary, the fees to be paid by the person for whom the particular service is rendered. The services in the administration of criminal justice performed by the sheriff, clerk of the peace, and county attorney are now partly payable out of the general revenue of the province, and partly by the county. I think these fees, as also those of constables for like services in the administration of criminal justice, should be wholly paid by the province.

6 and 7. A reasonable remuneration should be fixed for the several officers according to the responsibility and labor that their duties involve. I think the scale of payment or salary as allowed in Mr. Ross' bill, as passed at the recent session of the Legislature, is a fair one. When the net amount of salary, after deducting all necessary disbursements, is reached, then there should be a sliding scale of amounts to be returned by the officer to the municipality, the per centage to increase according as the amount received for fees increases, but in no case should the whole surplus be paid over to the county; for as the fees and work increase, there is a greater responsibility and care thrown on the officer who requires to superintend this extra work, and has the responsibility of seeing that it is properly performed.

8 and 9. My answer to these questions is covered by the above.

10. I have no other suggestions to offer.

S. J. Jones,
County Judge, Brant.

Brantford, 10th May, 1894.

Answers to the List of Questions Prepared by the Commissioners Appointed to Inquire and Report on the Facts Bearing on the Various Views Expressed in Respect of the Mode of Remunerating and Appointing Ontario Provincial Officials, now Paid by Fees, etc.

1. To the list of officials named I would add deputy registrars of deeds and Crown officers. The first named should I think be appointed by the Government and not by the registrar. Recent developments tend to show that the deputy should be independent of the registrar. The present system of appointing Crown officers at the assizes is not satisfactory. These appointments are apparently

made of political supporters and in my opinion bear rather heavily on the county attorneys who have no political influence. I understand that the judges of assize do not approve of county attorneys taking Crown business in their own counties. Could not a system be devised somewhat analogous to the appointment of revising officers in England, by which the president of the High Court assisted by his brother judges should name the Crown officer from among the county attorneys, moving them from time to time; with provision made for the Attorney-General consulting with the president as to appointment of additional counsel in cases of exceptional difficulty and importance. I make this suggestion with a view of improving the status of the county attorneys. That office, in the event of the abolition of grand juries, must necessarily be of much greater importance than now and should only be filled by men of recognized probity and learning. I make this suggestion as one of general application and expressly disclaim having any special application to this county.

2. I approve of the appointment of all the officers named being in the hands of the Provincial Government as at present. All these officials hold office during "pleasure," that is the pleasure of the power which appoints, such power being generally exercised upon proof of misconduct or inefficiency, made according to the proper means usually provided. The power which appoints and is really responsible for the due performance of the duties of the office must have the power of removal. Again, the fear of removal is a great incentive to the efficient performance of the duties.

3. If any change should be made in the means of appointing them the Government would still require to keep up efficient inspection, and must retain the power of removal for sufficient reasons, as distinguished from "cause." Thus if the power of appointment and the power of removal are in different hands, complications might arise.

4. I do not approve of any official, exercising judicial functions, being paid by fees, as for instance local masters and official referees. These officers should be paid by salary. They have occasionally to leave their chambers for viewing premises, to save expenses where witnesses are numerous, and under other circumstances. In such cases an allowance could be made similar to those made the county judges in grouped counties, and on appeals under the Ditches and Watercourses Act, viz: actual moving expenses and $5.00 per day for living expenses.

The payment of fees to Surrogate judges comes under the same head. I do not think it would be just to abolish these fees as to present occupants. The present system of commutation is an improvement, but is not entirely free from the defect of being partially at least dependant on the amount of fees paid. I think a fixed sum should be paid entirely irrespective of the fees earned, so-called. I have not been able to arrive at a satisfactory commutation of these fees in my own case.

I do not see any necessity for making any change in the payment of registrars of deeds. If paid by fixed salary, I have given my views in answer to questions 6 and 7.

I do not see how it is feasible to make any change with regard to sheriffs.

Local registrars of the High Court and deputy clerks of the Crown are now paid by salary for performing the ordinary duties of their office. The fees received by them for extra services are not of such an amount as to call seriously for change. But as these officers are also clerks of the County Court and registrars of the Surrogate Court, the aggregate of the salary and earnings in fees is

certainly a large sum—in many counties, indeed, much larger than men of their standing would likely earn in any other branch of life. It would not, I think, be just to the present occupants to make very great reductions. They could be paid, however, by salary based on an average, and as each vacancy occurs the salary could be placed on a more equitable basis.

There is no reason why deputy registrars of the High Court should not be placed on the same footing as local registrars or deputy clerks of the Crown.

I see no reason for making any change with regard to county attorneys and clerks of the peace—an equitable salary would be an average of earnings for say five years, adjustable every five years.

I do not think it possible to pay Division Court clerks and bailiffs by salary. The present system of paying a percentage upon the excess over a certain amount of net receipts seems equitable.

5. I think all the officials referred to except the sheriffs, Division Court clerks and Division Court bailiffs should, if paid by salary, be paid out of the general revenue of the province, and the excepted officials should be paid by the persons for whom the service is rendered.

6. The rate or amount of remuneration payable to the above officials, if paid by fixed salary (except those local masters who are also County Court judges), should be based upon an average of receipts, should have a proper proportion to the amount of work done—should give the occupant a proper living with a margin to provide for life insurance, and should provide for a proper system of superannuation. The local masters who are also County Court judges should be paid a fixed salary based on an average of earnings, and to be adjusted say every five years.

7. I think the deputy should be appointed by the Government and his salary fixed, as the principal officer's salary is fixed and adjusted from time to time in the same manner. Other services should be paid for by the occupant. The probability of his having to make such payments should be an ingredient in fixing the amount of his salary.

8. I do not approve of election of any of these officers by the people. The expenses of an election would be very great. The election would be run on political lines. There would be no assurance that the best man would be elected. There would be no defined power responsible for seeing that the duties of the offices were properly performed. Of course efficient inspection must be provided for and power must be vested somewhere to dismiss for misconduct or inefficiency. It would probably take years before a system could be devised ensuring uniformity of procedure and the safety of the public to the extent now enjoyed.

9. I think what I have written in answer to number 8 applies with equal force to this question. Any appointments brought under my notice made by municipal councils have been made on party lines. The indecent haste in canvassing before the occupant was dead in some cases and before burial in others—the log-rolling and wire-pulling—all being done in the immediate vicinity and therefore more observable is almost revolting.

10. In this connection I would add that when the Provincial Government assumed the appointing of Division Court clerks and bailiffs, I found it a great relief.

W. S. Senkler,
County Judge, Lanark.

Perth, 26th April, 1894.

JUDGE'S CHAMBERS,
PEMBROKE, 27th April, 1894.

JAMES FLEMING,
Secretary of Commission,
Osgoode Hall, Toronto.

SIR,—I am in receipt of your circular letter of 10th inst, enclosing list of questions prepared by the Commissioners, respecting the mode of remunerating and appointing Ontario provincial officials, and beg to submit the following as my replies:

1. No; I think the officials named comprise all requiring consideration at present. I am not aware of any additional ones that could be usefully suggested.

2 Yes; the appointments should be in the hands of the Provincial Government, (as at present) where there is a direct and tangible responsibility. The municipal councils have quite as much as they are competent to attend to, without introducing the disturbing element of local appointments. As to appointment by popular vote,—as in the neighboring republic—the arrangement would be worse than a blunder, and one that could not easily be rectified in the future.

3. I am not in favor of any change in the mode of appointment.

4. The best system is the payment by fees—a continual, ever present incentive to duty, courtesy and attention to the work required to be done. A careful record of the work done and fees earned should be kept by each officer, always open to the examination of the inspectors, and verified by oath or declaration as required.

5. No; the particular persons for whom the service is rendered should pay the fees.

6. Where, in any case, the fees are insufficient to maintain the officer or give him a decent allowance, according to his office, provision should be made for a minimum salary, and the deficiency made up out of the provincial treasury. The following officers should have as minimum incomes (I mean the aggregate from all the offices held by the one person), viz., local registrar, clerk of the Crown, deputy-clerk of the Crown, County Court clerk and Surrogate registrar (say) $1,000 each; registrars of deeds, sheriffs, county crown attorneys and clerks of the peace, $2,000; Division Court clerks, $600; Division Court bailiffs, $300. Then as to any excess of the amount of fees received or earned, over a maximum income, I think the Bill introduced by the Hon. Mr. Ross, No. 161 of the present session, in respect to the officers therein named, makes a fair adjustment of it and provides for a just percentage being paid over to the provincial treasury. The amounts so received will form, or go towards forming, a fund out of which the minimum salaries may be made up. I think the arrangement made in this Bill, No. 161, is all that can be desired.

7. The officer, in every case, should satisfy the inspector of the necessity for the assistance, and of the reasonableness of the amount paid the deputy, or clerk, and that amount should be allowed as a disbursement and not included in the amount of income. It is impossible, I think, to lay down any cast-iron rule in respect to this, or any rule that can be applied in every case.

8. I do not approve of any such election. It would be a move in the wrong direction and very much to be deprecated.

9. No; certainly not. Within their own province they are a useful body, but the constituent members change too often, and their present jurisdiction is quite equal to their experience and natural, as well as acquired, capacities. I should say that "well enough ought to be let alone."

10. I am not aware of any other facts or suggestions that could usefully aid in the enquiry.

11. I add no others.

Respectfully submitted,

JOHN DEACON,
County Judge,
County of Renfrew, Ont.

ANSWERS TO QUESTIONS SUBMITTED BY FEE COMMISSION.

1 I would suggest the addition of license inspectors, who, in my opinion, should be under control of the municipalities.

2. I am of opinion that the appointment of all the officials named, except Division Court clerks and bailiffs, should continue in the hands of the Government. These latter should be appointed by the judges, who are in a position to select the most suitable men for the positions.

3. My answer to question 2 applies to this question.

4. I would suggest that all the officials named, except Division Court clerks and bailiffs, be paid by salary, graded in proportion to the amount of work done and revenue derived from their offices. I think the present system of paying Division Court clerks and bailiffs by fees the most preferable, on account of the difficulty there would be in fixing salaries proportionate to the work done and revenues derived from their offices. The number of clerks and bailiffs is very large, and, in the majority of cases, the duties are very light and the fees trifling.

5. All except license inspectors, Division Court clerks and bailiffs should be paid out of the general revenue of the province, assuming, of course, that the revenues of the offices be paid into the provincial treasury. Division Court bailiffs should be paid by the clerks out of the fees collected, either by salary or fees as might be agreed upon between clerk and bailiff. Half the surplus over $1,000 to go to the Government, the cost of inspection to be paid thereout.

6. Minimum salary to registrars, $2,000, including salary of deputy and clerks.

I suggest that the offices of local master, deputy-registrar and County Court clerk should be combined, except in the unorganized territory, as vacancies occur, and that the minimum salary for this official should be $1,500, as he must necessarily be a lawyer.

Sheriffs, including a bailiff, but not other necessary assistants, $3,000, minimum.

Surrogate registrar, minimum salary, except in unorganized districts, $800, minimum.

County attorneys and clerks of the peace, $1,000, minimum, with privilege to practise law.

I would suggest that some plan should be adopted whereby there should be more uniformity in the amount of fees payable to judges and registrars in the Surrogate Court. For the same work, some of these officials make three or four times more fees than others. A uniform salary all round would seem more equitable.

7. The salary to be fixed should be proportioned to the amount of work to be done in the office, the approximate value of which could be ascertained by reference to the books kept for several preceding years. Due provision could thus be made for the adequate compensation of all deputies or clerks. Provision should also be made for assistants of the sheriff's bailiff, as occasion might require.

8. I approve of the present system of inspection of Division Courts.

9. My answer to question 1 applies also to this question.

10. I have known of unwarrantable charges having been made in connection with the office of sheriff, for mileage and possession money, with the self-evident object of making fees at the expense of poor litigants. I have known many instances of unauthorized exactions of fees in connection with the office of County Court clerk, with the same apparent object. I have known many instances of cases sent up for trial from magistrates' courts, for no other apparent reason than to make fees for the county attorney, thus putting the county to unnecessary expense, and magnifying the importance of cases which should have been disposed of by a magistrate.

11. The only official which I claim should be appointed by the municipality is the license inspector, and I am strongly of opinion that such officer should be subject to municipal control. The power which he is in a position to exercise for political purposes affords him the opportunity to use it unjustly, and instances are not wanting to show that it is not in the public interest to have such an office filled by a political appointee.

EDWARD O'CONNOR,
Junior J.,
Algoma.

ANSWERS TO QUESTIONS RELATING TO FEES COMMISSION.

1. All the officials named in No. 1 question with the addition of license commissioners and license inspectors.

2. The first named to remain as they now are, appointed by the Government; Division Court clerks and bailiffs by judges. The judge of a county, warden and one commissioner to be chosen by the Government, to be the license board in counties.

The judge of the District Court, sheriff and one commissioner to be chosen by the Government to be license board in districts.

The license inspector to be appointed by each municipal council, thus bringing him under the immediate control and supervision of the council and who would always be on the spot and able to see any infraction of the law at all times. As it is now, an inspector for a riding hardly ever moves around out of his own town or village and has to rely on outside evidence in order to prefer a charge, which in nine cases out of ten fails when being ventilated before the justice of the peace.

I instance my district of Algoma, the inspector of which lives on St. Joes Island, away from the mainland and has to supervise the *District of Algoma*; simply absurd so far as the carrying out of the law is concerned.

3. Division Court clerks and bailiffs to be subject to Government inspection as now.

4. By fees. The Bill introduced by the Hon. Mr. Ross in the local house this present session is a fair one to go by.

5. All officials, including bailiffs, to be paid as set out in Ross' Bill.

License inspector to be paid by the municipality employing him.

6. Answer as in No. 4 and 5.

7. The amount fixed by Ross' Bill should be quite sufficient for the work done, and if it goes beyond the excess, the assistant should be paid out of such excess.

8. No election.

9. As to license inspector see answer to No. 2.

10. As to judges and registrars of Surrogate Courts and local masters. The fees in these cases are too large and expensive to parties applying for probate and administration in proportion to the amount of work done by them.

The following, as per appendix E, page 30, of the report of inspector of legal offices for 1892, shows the amount received by these officials: judges, $26,350; registrars, $41,556; local masters, $19,984.

Some judges who live in counties (and cities included) where the wealthy die receive enormous fees, as compared with the judges who live in new districts and poorer counties, though the difference in the amount of work is really nothing. (In my district nearly all come under the poor man's clause in which I receive 50 cents, though I do as much work in it as if it were a $10,000 estate.) The clerks the same. Many judges have commuted their fees and receive now much more than is actually earned by them. The total received by judges in 1892 was $26,350, equal to $630 to each judge in Ontario. Local registrars, $41,556, or an average of $1,040. Local masters, $19,984, or an average of $500. If the Government would pay each judge say a salary of $500 each, that would cover all grounds and give the Government a good surplus, if fees remained the same as they now are, with the additional fee fund, or leave the fee fund as it is and reduce the surplus in fees not required to make up the judge's salary. The clerk's fees could be reduced as well, so as to benefit parties applying. The local masters' fees might be greatly reduced, and in many cases the office in counties be added to the local registrars and clerks of court, who should be a lawyer. In the county of Huron the amount of fees earned was $246.90 by local master and the Government paid him $1,250 salary; the same occurs in other counties; this should be cut down or the office amalgamated with some other office or given to the judge for the fees. Such as this causes the outcry against officials doing little work and drawing large pay.

FRED. W. JOHNSTON,

Judge, Algoma.

SAULT STE. MARIE, 25th April, 1894.

KINGSTON, April 30, 1894.

JAMES FLEMING, Esq.,
Secy. Comn. *re* Officials,
Osgoode Hall, Toronto.

DEAR SIR,—In reply to your circular list of questions *re* appointment of certain officials I beg to say:

1 to 3. I am straight of the opinion that the appointment of all of said officers should remain with the Government, unless it might be Division Court bailiffs and clerks. I can see no reason for a change. They are not county officers but are provincial officers acting for citizens over the whole and even beyond the province. They are not paid by any municipality. I know of no officials that have given more general satisfaction, and no change could be expected to increase their efficiency. The present agitation seems only the outcome of a restlessness that seeks to change well and tried order of procedure to which is offered no objection.

I am satisfied that to change to appointments by the county councils, or by introducing the American system, the efficiency of the service would be reduced, and would be introducing a disturbing and corrupting influence in municipal affairs.

4 and 5. I think the present mode of remuneration is better than any I have heard suggested. It seems to be equitable and is in no wise a burden on the province or counties.

6. The remuneration should have regard to standard of qualification, required to work done, responsibility had, and residence of officer, it being more expensive living in cities than in small towns. By fixing a fair maximum and minimum the surplus fees above the maximum in some cases, could be applied in bringing up the minimum where the income was too small. This is in no sense one county paying to another from fees coming from general business.

Deputies should be appointed by and responsible to their superior officers. Under a maximum and minimum system they could I think with advantage be subject to the approval, as to efficiency and remuneration, of the inspector of offices.

7 to 10. Answerered in the above.

11. Other officers as far as I know are municipal officers and should remain in the control of the municipalities.

If a change had not been made in the appointment of Division Court clerks and bailiffs I should not recommend it. It has taken some responsibility from County Court judges which they appreciate, but I do not think it is calculated to improve the service. It was too important to a county judge to have no other than the best clerks and bailiffs, and they knew the men they were appointing. Under the present system the clerks and bailiffs naturally feel they are independent of them, and judges, I think, do not feel the responsibility of looking after them, as formerly. I do not, however, think there is any such failure as would call for a change in the present system.

All changes from a fixed and tried condition are in my opinion objectionable unless there is positive evil, with a clear possible remedy.

Too much legislation and change is disturbing and leads in difficulties often greater than those sought to be remedied.

C. V. PRICE.
Judge.

County Judge's Chambers,
Brockville, 7 May, 1894.

James Fleming, Esq.,
Secretary of Commission; Toronto.

Dear Sir,—In reply to your circular of the 10th ult. enclosing a series of questions I beg to say: The list of officials named in No 1, is sufficiently comprehensive, and I think that with the exception of local masters and Division Court clerks and bailiffs they should all be appointed by the provincial Government. I do not approve of election by the people of any of those officers; such a system would be most pernicious, and I do not think that the municipal council should select. They are an irresponsible body and have not the means of judging fairly or impartially of the fitness of any of those officials, all of whom should be free from, and untrammelled by local influences.

The office of local master should, where practicable, be filled by the county judges; but where that is not practicable should be made by, or on the nomination of the judges of the Chancery Division, and in no case should a local master be permitted to practise his profession.

Division Court clerks and bailiffs should, I think, be appointed as formerly by the county judges, or on their nomination.

Deputy clerks of the Crown should be paid by salary as at present and they should be allowed fees for examinations, for then the party benefited would contribute the pay. The per diem allowance for attendance at the assizes or court sittings is only fair and just.

The tariff of fees to County Court clerks is not as liberal as it should be; it should be increased.

Surrogate registrars should be paid by fees only. The officials have very arduous labors requiring the greatest care, skill and attention, and they should be paid proportionately therefor. The interests at stake are vast and the system of payment by fees is most fair and just. It appears to me that the recent acts of the Legislature in reducing the cost of probate and letters of administration have not been well considered and are not in the interests of the people, and are very unjust. For poor widows to whom small estates were left the legislation was well prompted, but to make it apply to estates which can, and ought, to pay for what is given, is to my mind very wrong.

Sheriffs and registrars of deeds should be competent men. They themselves, should receive such remuneration and allowance for assistance as would ensure the perfect discharge of the duties of the office and enable them to maintain the dignity thereof. The only proper mode of payment is by fees with a provision for the accounting to the Government and payment over to Government or the municipality of all over a fixed sum to be regulated in the particular cases according to the size of the county of riding as the case might be and having due consideration for the payment to deputies in every case which would ensure the services of competent men whose appointment should be made by the Government, and the starvation or freezing out system should be clearly guarded against.

All the other officials named should be paid by fees; where the work is done the reward should follow.

I have the honor to be, etc.

James Reynolds,
Junior J.

ANSWERS TO LIST OF QUESTIONS PREPARED BY THE COMMISSIONERS APPOINTED TO INQUIRE AND REPORT ON THE FACTS BEARING ON THE VARIOUS VIEWS EXPRESSED, IN RESPECT OF THE MODES OF REMUNERATING AND APPOINTING ONTARIO PROVINCIAL OFFICIALS NOW PAID BY FEES.

1. I cannot suggest any addition to the list given in question 1.

2. I approve of the appointment of all the officers mentioned in question 1. being in the hands of the Provincial Government (as at present).

3. The present mode of supervision is I think sufficient.

4. I approve of the system of paying all the above officers by fees; by that system the work done is fairly paid for, and the payment is made by the persons for whose benefit it is performed.

5. I approve of payment by fees, and I do not think that the above officers should be paid out of the general revenue of the Province or by the local municipality for which the appointment is made.

6. I think that the present tariffs of fees, give a reasonable remuneration to the officers respectively for the work done by them.

7. If a fixed salary is to be given to any officer, the deputy, clerk or other necessary assistance, should be paid for (in addition to the officer's salary) from the same source from which the officer receives his salary.

8 and 9. These questions are answered in my replies to questions 2 and 3.

10. I am of the opinion that the duties of an officer, especially one connected with the administration of justice, will be discharged better, and with more satisfaction to the public, by an officer appointed by the Government, holding his office, practically during good behavior, and paid fairly for his services, than by one elected by the people or chosen by a municipal corporation for a short or indefinite period.

If officers are to be paid a fixed salary by the Government, is a revenue for that purpose to be raised by the sale of stamps ? If so, the fee system is continued in another form

11. I cannot add any other officers to those named in question 1.

J. F. PRINGLE,
J. Cy. Ct.

CORNWALL, 24th April, 1894.

WALKERTON, April 25th, 1894.

JAMES FLEMING, Esq.,
Secretary of Commission, Toronto.

DEAR SIR,—I have the honor to acknowledge the receipt of your circular letter of 10th inst., inclosing list of questions prepared by Commissioners, and in reply beg to state:

No. 2. I believe that all of the officers named in No. 1, should be appointed by the Government.

No. 4. I would approve of paying the registrars of deeds, local masters, local or deputy registrars of the H. C. J., deputy clerks of Crown, clerk County Courts, registrars of Surrogate Courts and county attorneys and clerks of the peace, by salary, and the sheriffs, Division Court clerks and bailiffs by fees.

No. 5. Those paid by fees should be paid by person for whom service is rendered. The salaries of the others should come out of the revenue of the province. Persons requiring services of salaried officers should pay for services in stamps to be issued by Government.

No. 7. Officials should pay their assistants or deputies out of their salaries, officials to provide their own deputies.

No. 6. As to remunèration I would fix salaries on same basis as salary of local master here is fixed. I however think that salaries should be a little lower than in case of some of present officials.

I have the honor to be, sir,
your obedient servant,
A. B. KLEIN.

STRATFORD, 20th April, 1894.

JAMES FLEMING, Esq.,
Secretary of Commission,
Osgoode Hall, Toronto.

Re ONTARIO OFFICIALS.

DEAR SIR,—In reply to yours of 10th inst., enclosing "list of questions," I have to say that I am in favor of having all the officers named appointed by the Government, as they now are; the duties of these officers are not purely local, but the people of the province at large, or even of the whole of Canada, are interested in knowing that they are properly discharged. Surely improper appointments (if made) can be nowhere so well discussed under our system as in the Assembly, and wrongs if they exist righted. It would seem also that uniformity of procedure, brought about by careful inspection on the part of a properly qualified officer of the Government can only be secured under the existing system.

As to the fee system, there may be cases requiring correction, but in my own county, with a population of about 65,000, I am unable to see as to the officers generally how the system can be improved. In the case of the sheriff his fees may sometimes be large, but when that is so his work is great, and he has to pay for increased assistance. As the statute law now provides that when the fees exceed a certain sum, a certain percentage shall go to the Government, so I would have it also provided, that a certain minimum sum should be *assured* to him in any case. So that if fees (from good times or otherwise) fall off, he should still have a decent and proper income suitable to his position as sheriff of the county, in fixing which I presume population would be an important element.

As to local masters, commutation of fees should be encouraged in every possible way. It is sometimes alleged, that enquiries are unduly prolonged—probably without foundation—(and I *do not* mean here) but I would have everyone holding a judicial, or quasi judicial position placed beyond and above any such possible suggestion.

I have nothing to add.

I have, etc.,
JAMES P. WOODS.

WALKERTON, April 23rd, 1894.

To JAMES FLEMING, Esq.,
Secretary Royal Commission,
Toronto.

DEAR SIR,—In reply to your circular of the 19th of April instant.

As to question No. 1. I think county gaolers should be added to the list, and appointed by the Government. At present he is appointed by the sheriff subject to the approval of the Government; it practically is appointment by the Government, and it would be better to place the whole of the responsibility upon the Government.

Reply to No. 2. I approve of the appointment by the Government of these officials as at present is done. Under our system of responsible government, the election of these officers by the people, or by any other body than the Government, would be anomalous. It is a legitimate source of power and necessary for the stability of the Government. If the elective system were introduced I think it would also be necessary to abolish responsible government.

Reply to No. 4. I approve of the system of paying the officials by fees, in whole or in part as at present, excepting local masters, county attorneys, (not the clerks of the peace), and gaolers if they are added to the list. The local masters should be paid by salary because their duties are judicial; the county attorneys, because it is in their power to increase their fees in many ways without the public being benefited, and whether any of them do so or not it gives an opportunity for scandal, which should always be avoided in the administration of justice; and as to the gaoler there is of course no other way to pay him.

A minimum amount of remuneration for each officer should be fixed, and a percentage should be deducted from fees collected over a certain amount and paid to those whose fees are less than the minimum fixed, so as to bring it up to that amount.

Reply to No. 5. The fees should be paid as far as possible by the persons for whom the service is rendered.

Reply to No. 6. Without more information than I am possessed of I cannot suggest what rates or amounts should be paid. But the amount should be such as to induce persons fitted for the offices to accept them, and to enable them to live in a respectable manner.

Reply to No. 7. If a fixed salary be given to an officer who requires a deputy or other assistance, I think he should appoint and pay the assistants out of his salary, as he and not his assistants are responsible for the proper performance of the duties of the office.

The other questions submitted do not appear to require an answer from me by reason of the views I have expressed.

I have the honor to be
your obedient servant,

WM. BARRETT,
Judge C. C., Co. Bruce.

GUELPH, 24th April. 1894.

JAMES FLEMING, Esq.,
Secretary of Commission:

SIR,—I have the honor to acknowledge the receipt of your communication enclosing questions submitted by the Commissioners appointed to enquire regarding the appointment and remuneration of provincial officials, and in answer I would say:

1. I think the list of officials given might also include police magistrates, because their appointment and remuneration should be governed by the same principles.

2. I think it would be better that the appointments should be in other hands, because appointments are usually made upon recommendation of local members of the Legislature or other local supporters of the Government of the day, who are apt to recommend appointees for political reasons, with but little regard to qualifications.

I would suggest that appointments to the more important offices should be made by one or other of the divisions of the High Court of Justice, because such appointments would be made with great care independently of any consideration except fitness, and consequently only suitable persons would be appointed. The judges would take pains to ascertain that their appointees were men of education, intelligence and high character.

Where legal training is of importance the judges, from their personal knowledge obtained by going upon circuit, would often be able to pronounce upon the qualification of candidates, and at all events would be in a position to obtain accurate information. For this last reason I would suggest that the present system should at least be limited to the appointments of sheriffs and registrars.

I am strongly of opinion that County Court clerks, clerks of the peace (who should not be county attorney at the same time), and Division Court officers (particularly the latter) should be appointed by the county judges, because the services being performed directly under the county judge the appointees would feel a special responsibility to him.

They would be subject to immediate caution or censure if in fault.

They would be under the control of their superior officer, and not, as now, independent of him.

The Division Court offices being generally insufficient to support their holders alone, it is desirable that the persons appointed should not be engaged in any business calculated to clash with their official duties. The county judge having a large personal acquaintance with the residents of his county is in a position to make a speedy and judicious selection.

Another reason for suggesting appointment otherwise than by Government is that the officials would have more regard for possible acts of the inspectors than they feel, knowing them to be appointees of the same authority as themselves.

3. All officials should be subject to inspection by a Government officer, who should have some power of suspending, etc.

4. I consider payment by fees objectionable, because under the fee system some officials are underpaid, while others are very largely overpaid; because an office worth the acceptance of a capable man may by division of a county or reduction of fees, or for other reasons, become of much less value, which is a great injustice to the holder; because it is a direct incentive to make officials astute in inventing charges and extending charges to their utmost limit, especially where the tariff is elastic or open to doubt.

In the Division Court the tariff is fairly exact, and I think the fee system does well enough. As the offices are generally of small annual value it is hardly possible to suggest a measure of salary. When, however, the fees reach a certain amount they might be subject to a percentage, as now.

In all other offices I think the fees should be funded and salaries paid.

5. The people who make use of the salaried officers should contribute to their support by payment of fees, which should go (either in stamps or money) to whoever pays the salary, whether Government or municipality.

In the case of sheriffs, as many of their services are now paid by the general Government, it would be convenient that the Government should pay their salaries, and some provision would have to be made in addition to salary for travelling expenses and employment of men to assist them in executing process, etc.

The registrars should, I think, be paid by the county municipalities.

The rates of remuneration would vary greatly, according to population and extent of the several counties.

As the sheriff is not now expected to entertain or live in any particular state there is no reason for his remuneration being greater than that of ordinary business men. The duties do not require special training, nor as much knowledge, ability, attention, or responsibility as those of a local bank manager, and therefore should not be more highly paid; $1,500 would be a fair minimum and $4,000 a fair maximum.

The duties of a registrar are open to similar remarks, with the addition that registrars are not so liable to risks of litigation, etc., as sheriffs, and their duties are much more ministerial and require no exercise of judgment. I would suggest $1,200 to $2,000 as minimum and maximum salaries.

Local masters and county attorneys are required to have a professional education, and should have ability, sound judgment, and integrity. They should at least be on terms of equality with the successful, well-to-do professional and business men of their place of residence, so that they may be held in respect. They should receive not less than $2,000.

Surrogate and County Court clerks should receive not less than $1,200.

Where offices are united salaries should be adjusted accordingly.

The salaries should be fixed by statute and adjusted according to population.

Deputies and clerks might be allowed for as decided to be necessary by some board, such as the warden of the county or mayor of the city, the county judge, and the inspector.

7. The salaries of deputies and clerks should be fixed and paid by the same authority as those of the chief official. They should be appointed by the chief official, to whom they should be personally agreeable, and he should be responsible for their acts.

8. I do not approve of the election of any officer by the people. Such a system would require rigid Government inspection, with a power of suspension and removal, and providing for carrying on the office till another election could be held.

9. I do not think selection by municipal councils desirable. The same safeguards would be necessary as mentioned in answer No. 8.

I have the honor to be, sir,
Your obedient servant,

H. C. Chadwick,
Judge, County Wellington.

OSGOODE HALL, TORONTO, April 10th, 1894.

DEAR SIR,—A Commission under the Great Seal of the Province has been issued to the Honorable John Alexander Boyd, President of the High Court of Justice for Ontario; the Honorable John Beverley Robinson, of the City of Toronto; Thomas Brooke, of the Township of Brantford, Esquire; John James Mason, of the City of Hamilton, Esquire; and John I. Hobson, of the Township Guelph, Esquire; who are thereby authorized to collect and report to His Honor the Lieutenant-Governor in Council the facts bearing on the various views which have been expressed, with respect to the mode of remunerating and appointing certain Provincial officials, now paid by fees, including the practice and experience of other countries.

The Commissioners are anxious that in their investigation of the very important subjects of the inquiry they may receive the aid of those qualified by experience, or otherwise, to lay before them any information which may assist them in reaching a satisfactory result. They fully recognize the special value which the possession of information from varied sources may afford in arriving at the best conclusions.

I am therefore instructed by the Commissioners to enclose to you a list of questions, which will enable you to ascertain the various points to which the inquiry will be directed. The Commissioners request your earnest consideration to these, and will be greatly indebted to you for an early response embodying your views as fully as possible, on any or all of the matters under investigation.

I have the honor to be, sir, your obedient servant,

JAMES FLEMING,

Secretary of Commission.

LIST OF QUESTIONS.

List of questions prepared by the Commissioners appointed to enquire and report on the facts bearing on the various views expressed, in respect of the mode of remunerating and appointing Ontario provincial officials, now paid by fees, etc.

1. Assuming that the following officials are those under consideration: Registrars of deeds, local masters, sheriffs, local and deputy registrars of the High Court of Justice, deputy clerks of the crown, clerks of County Courts, registrars of Surrogate Courts, county attorneys and clerks of the peace, Division Court clerks, Division Court bailiffs, are there any others (local officials) that you would suggest in addition, and if so, for what reasons?

2. Do you approve of the appointment of any, or all, of the above officers being in the hands of the Provincial Government, (as at present), or should they, or any of them, in your opinion, be otherwise selected? If so, by whom, and for what reasons?

3. If you advocate a change in the mode of appointment of any of the above officers, how, and to what supervision should the officer be amenable for efficient and faithful performance of duty during the term of office.

4. Do you approve of the system of paying any, or all, the above officers by fees, (in whole, or in part as at present)? If not, what other, or better plan do you suggest, and for what reasons?

5. Should any of the above officers be paid out of the general revenue of the province, or by the local municipality for which the appointment is made, or by the particular persons for whom the service is rendered?

6. What rate or amount of remuneration do you approve of with reference to any, or all, of the above officers?

7. If a fixed salary is to be given to any officer, how would you provide and pay for deputy, or clerks, or other necessary assistance, where the person appointed was not able to do all the work of his office?

8. If you approve of election by the people of the above officers, or any of them, what method of public inspection, during the term of office, do you suggest for securing uniformity of procedure, and the safety of the public?

9. If you approve of selection by the municipal council, what method of public inspection do you suggest with a view to securing the objects mentioned in question number 8?

10. What suggestions or facts, have you to offer, not embraced in the foregoing questions, which may aid in this inquiry?

11. If you add any other officers to those named in the first question, give (as to them) all the information sought in the other questions.

DUBLIN, April 30th, 1894.

JAS. FLEMING, Esq., Toronto.

SIR,—The circular dated April 10th, 1894, addressed to me was duly received. I would have replied at an earlier date, but I was anxious to elicit an expression of feeling from as many of the people as possible. I have read it to dozens with

whom I have discussed the absorbing question of the appointment or electing, and the mode of payment of officials as mentioned in the circular, and after much inquiry and mature reflection my reply is as follows:

1st. I have no other officials to suggest but these mentioned in the list.

2nd. This I consider the most important question, and I have given it the reflection due to its weight, and do most heartily approve of the appointment of said officials by the Government. I have consulted Reformers, Conservatives, and Patrons of Industry, and all without exception give a preference to the present or existing state of affairs (as far as regards officials) to any that can be devised. We are not aware of any existing abuses, demanding the application of remedial measures; it would be better to let well enough alone. So sure as county councils or the people at large would get the power of selecting said officials, so sure would that power be abused. How are the people to judge of the aptitude of such candidates as local masters, county attorneys, etc? Then from my own observations I am justified in apprehending more log-rolling, button-holing, and the like, than would tend to put the best men in office. Faction would marshal its hosts, and party would ignore honest and modest merit, the scum would come to the surface. I am a farmer and would not like to see the class to which I belong sink into a doze of torpid inactivity, but I would have them act with discretion. But experience teaches me they would not act so if they got power to elect said officials. A year ago I hoped the Patrons of Industry would effect some good, but recently I have heard some of the Patron candidates for Parliamentary honors address meetings, and I regret to say some of them, though men of inferior ability, are sowing the seeds of a wild democracy which tends to lure the unstable and ill-informed beyond the limits of reason. It is a known fact that many of the wisest heads in the United States look upon universal suffrage as the curse of that country and sigh for a remedy. In Ontario we are near enough universal suffrage now. In this section of Ontario as far as I know the appointments by the Government are good. No complaints have I heard of the dereliction or abuse; therefore I would respectfully counsel to leave power of appointing such officers just where it is, with the Government.

3rd. I do not advocate any change in the mode of appointment, and with an eye to the public good I do wish to see officers and their work under the supervision of independent Government inspectors.

4th. I am in favor of the fee system and so are all with whom I have spoken on the subject, except four, and two of these were to my certain knowledge soured, being disappointed office-seekers; the third was an enthusiastic Patron who will see nothing to admire till the Patrons rule; the fourth simply thought the sheriffs got too much. These four thought the fees should be funded and a fair salary taken therefrom and the balance go to the county.

5th. I have found no person in favor of paying such officers out of the revenue either of the province or municipality. All approve of having the person to whom the services are rendered pay for same.

6th. I do not know what percentage they get at present. I am in favor of a liberal salary to every good official. The hope of reward sweetens labor.

7th. If possible, continue the fee system; but if it be the intention to give a salary then fund the fees and pay official and deputy from the fund, and if funds are insufficient increase the fees.

8th and 9th. I do not approve of election of officers either by the people or municipal councils, for I desire to avert the prospective evils that I fear such a course would entail.

10th. Some years ago I spent two weeks with friends in Brooklyn, N. Y., attended a few primary meetings, and contrasting what I saw and heard there with the condition of affairs here, I then gave a preference to our system of appointment of the officers named in the list. Doubtless you have read of the numerous and grave outrages committed by John McCane at the town of Gravesend, Long Island, where he, Boss McCane, with the whole town at his back, during a local election of judges, etc., openly violated the constitution and set law and authority at defiance, and the people of the town aided him. They felt they possessed sovereign power and they abused it at the dictation of a demagogue. Give our people similar power and what guarantee have you that they will not indulge in the practice of like abuses. Behold the movement from Denver to Washington to-day, where great masses of men are wandering wildly from the fundamental principles of their own constitution. To be brief, I have not read or heard of a people in either ancient or modern times who attained to great power and did not abuse it. I desire to see all men possess all the liberty compatible with the just rights of all others. In Ontario we happily enjoy exemption from any form of tyranny. The Government seems to anticipate the just wants of the people, but I must say it is my opinion the people here, as elsewhere, require protection from their own folly, and to give them more power would be to generate abuses and endanger the peace of society. Unfortunately we have a host of demagogues as numerous and as shallow as the streams of Bassara, who are inflaming the minds of the people, but men who have no selfish interest to promote and whose minds are not warped by prejudice, and who have the public good at heart, admire the wisdom of the Government and hope the Commissioners will see their way clearly to suggest to the Government to leave these matters just as they are.

11th. No others. Sir, if you can forgive the length of this the depth will not annoy you.

Sir, respectfully yours,

BERNARD O'CONNELL.

DELHI, April 24th, 1894.

JAS. FLEMING, Esq., Toronto.

SIR,—Please find enclosed my answers to the questions asked by your Commission, which I think you will find voices the sentiments of three-quarters of the people of Ontario. Thanking you for confidence you placed in me by soliciting my opinion on the subject,

Respectfully yours,

E. MORGAN.

2nd. All registrars, sheriffs, county clerks and county attorneys should be appointed by the county council or elected by the popular vote, as they would be the servants of the people then and not of party, as they are at present.

3rd. The warden of the county could appoint an inspector. By fees when under specified amounts, similar to the mode postmasters are now paid. As some are now overpaid by the county council, or more especially by the parties for whom the service is rendered, registrars and sheriffs not to exceed twelve hundred dollars per annum.

7th. County councils could arrange for this from time to time.

8th. Inspection by a qualified person, selected by the council or county judge.

A quarterly inspection of all the business performed.

Bailiffs and Division Court clerks to be appointed by the county judge.

A justice of the peace should only be appointed when able and willing to qualify for the office, and not as at present, for the amount of work done for political parties.

The above is my idea of how such officers should be appointed and paid.

Yours respectfully,

E. Morgan.

Burgoyne, April 19th, 1894.

James Fleming, Esq.,
Sec. Fees Commission.

Dear Sir,—I received your circular letter of the 10th inst., and in reply would say, answering your 2nd question, I do not think it would be in the best interests of the people that a change should be made in the appointment of the officials named. I believe the Government should be responsible directly to the people for the good government of the country and enforcement of the laws that protect people's lives and property. I don't see how the Government could be held responsible for the doings of officials over whom they had no control. It might be that no harm would come from electing the registrar of deeds, but to my mind the trouble and expense of electing this official periodically would more than counterbalance any advantage that might come from it.

No. 3. I don't advocate any change.

No. 4. I believe the proper parties to pay for the use of those offices are those who cause the work to be done.

No. 5. I would think the work of some of those officials would of necessity have to be paid either by the province or local municipality. I think the province should pay the whole cost of prosecuting parties charged with the higher grades of crime.

No. 6. I believe an official should be paid a fair salary for his time and responsibility he has to undertake, as you would pay a man to do private work of such kind.

No. 7. I think the offices should be self-supporting, no more, no less. I don't think the province or local municipality has any right to expect a revenue from those offices. I believe when a man sells a town lot he has a right to the whole proceeds after he has paid necessary expenses.

No. 8. I don't approve of electing by the people unless we change our whole constitution.

No. 9. I am decidedly opposed to the appointing of officials by the county councils. I say it after twenty years of municipal experience—municipal councils are notoriously careless in their appointments; there is such a constant change in the personnel of the councils that it is impossible for them to keep a supervision of their own officials now. It would be thousands of dollars in the pockets of the ratepayers of this county if there had been government supervision of the county officials in years gone by.

No. 10. I would like to see the fees lowered in those counties where the business is large, so the revenue of the office produced fair wages for those employed in them and no more; in the smaller counties where there is not enough business to pay a man for his whole time, put two of the offices together, or allow a man to carry on some other business in connection with the office. Division Court clerks, bailiffs, town clerks, county clerks (many of them) have to do this at any rate.

I have given my views in a rambling way; if they are any good you are welcome.

Yours truly,

JOHN PEIRSON.

FERGUS, Ont., April 20th, 1894.

JAMES FLEMING, Esq.,

Secretary Fee Commission,
Osgoode Hall, Toronto.

DEAR SIR,—I duly received your circular of the 10th inst., with list of questions, which I have duly considered, and beg leave to submit my views thereon as follows.

1. In addition to the officials named I would urgently recommend that license inspectors and license commissioners be added.

2. I am decidedly of opinion that all these officials should be appointed by the county councils, during pleasure.

3. I would suggest that every official who handles public money should furnish to the corporation of the county the bond of a responsible guarantee company for the efficient and faithful performance of the duties of his office, and duly accounting for and paying over to the county treasurer all fees and commissions which he may collect as such official.

4. I approve of paying all such officials such salaries as the county councils may determine, and requiring them to promptly pay over to the county treasurer all fees and commissions.

5. If the amount of the fees and commissions collected from the persons for whom the service is rendered is insufficient to meet the salary of the official, the balance should be paid by the county corporation.

6. Such salary as the county council may determine.

7. I think each officer should have power to appoint such assistants as the duties of the office may require, but the remuneration or salary of such assistant should be approved of by the county council.

8. I disapprove of election by the people. Few county officials would undertake to canvas a county for some of the minor offices. For securing uniformity of procedure and the safety of the public, I would recommend the appointment by Government of such inspectors as may be deemed necessary.

9. See answer to No. 8.

10. I object to the appointment of county officials by Government for several reasons:

First: Qualification for the position should be the only consideration—not their political leanings.

Second: Appointments are now nominally made by the Government, but actually by the county members; if they are Government supporters, it is to be feared that qualification for the position is not always the first consideration.

Third: County councils are in the main non-political bodies, and should a member at any time show a disposition to sacrifice the interests of the ratepayers for the benefit of some political or personal friend, he must answer for it to his constituents at the end of the year, and will probably be left at home in future.

Fourth: Unfortunately officials who are appointed by politicians too often feel they are expected to serve their party afterwards, and they sometimes forget that their duty is to be neutral.

(*a*) I am also of opinion that there should be only one registry office in each county. The extra expense of erecting and maintaining two offices is out of all proportion to the convenience, if any, to the public. In fact two offices in a county often causes extra expense and trouble to those who have titles to investigate.

(*b*) As you invite suggestions as to other matters not embraced in the foregoing questions, I would respectfully call the attention of your Honorable Commission to a very important objection to the present mode of appointing the officials referred to and paying them by fees. The effect of which is, that officers entitled to and retaining fees from $2,000 to $3,000 and upwards are enabled to evade payment of their just debts, and often take advantage of their position. Neither the Government nor the municipal councils should place any officer in a position to do so.

I have the honor to be, sir,
Your obedient servant,

JOHN BEATTIE,
County Clerk.

WARKWORTH, ONT., April 21st, 1894.

JAS. FLEMING, Esq.,
Toronto, Ont.

DEAR SIR,—I have been from home for some days and find your favor of 13th on my return.

The following names of gentlemen suggest themselves to me as suitable to aid in the inquiry in which the commission is engaged: A. Gifford, Meaford P.O.; Jas. Moodie, Chesterville P.O.; Geo. Anson Aylesworth, Newburg P.O., and Duncan Anderson, Orillia P.O., also G. S. Macdonald, St. Raphaels P.O.

Yours truly,
C. A. MALLORY.

The following are the expressed views of Patrons of Industry on the matters under consideration by the Commission on Fees, etc.

1. All county officers except judges should be elected by the people.

2. County officers should be subject, as now, to general governmental inspection.

3. Officers should retain position during proficiency or good conduct.

4. County officers should be paid, as now, by fees.

5. A maximum salary should be fixed for each officer.

6. Amount of reasonable salary should be retained by officers, with scale to regulate, the balance to revert to the municipal treasury.

7. Where the province or municipality now pays a portion, as in the administration of justice, such should continue.

8. A competent Board should be provided for by statute, to try cases of complaint from inspectors or others, with power to discharge officers for cause.

I have the honor to be, your obedient servant,

C. A. Mallory,
Grand President

Guelph, April 21st, 1894.

James Fleming, Esq.,

Secretary of Commission recently appointed by Ontario Government.

Dear Sir,—Your circular in connection with the above Commission reached me on the 19th inst., and in reply I beg to say, that while entertaining for the individual members of that Commission the greatest possible respect that I do not think the Ontario Government was sincere in its expressed desire for information and advice on the subjects referred to when it appointed that Commission, as it had then in its possession, through its Inspectors of Legal Offices and and from other sources, all the data necessary to deal with these questions promptly and intelligently if it had any desire to do so.

Nor do I think it has any intention of acting on such report when tendered if it should be adverse to its personal interests, and I further believe that that appointment was not made purely with the view of collecting information but for the purpose of staving off the discussion of those disagreeable questions till after the elections, which may be a very clever but certainly is a very expensive subterfuge to adopt to effect that object. Therefore as these are my views on this matter I trust you will kindly pardon me for declining to answer any of the questions forwarded or to in any way discuss the subject.

I remain yours very truly,
M. Sweetnam.

Registry Office, Goderich, 20th April, 1894.

James Fleming, Esq.,

Secretary Fees Commission, Toronto.

Dear Sir,—I take the liberty of writing you in reference to a matter, *re* registry offices. With the coming into force of the new Act on 1st July, 1894, the municipalities will get a larger percentage from a number of the registrars than they at present receive. In some counties the registrar is supplied with all necessary stationery, abstract forms, etc., for the proper discharge of the duties of his office, and also the keeping of the registry office in proper order is looked after by the county. In this office the registrar furnishes these at his own expense. It would only be fair that all registrars should be placed on an equal footing. Seeing that the registry offices are revenue producing offices to the counties it does not seem unreasonable that the municipalities should bear the expenses mentioned. Trusting that this may have your attention,

I remain your obedient servant.

Jno. I. Dickson,
Deputy Registrar.

SHEFFIELD, 4th May, 1894.

TO JAMES FLEMING, Esq.

DEAR SIR,—Your circular to hand, I have had the matter under consideration for some time and consider the present mode of making the appointments superior to that proposed by the Patrons.

Yours,

THOS. MCQUEEN.

LIST OF QUESTIONS.

List of questions prepared by the Commissioners appointed to inquire and report on the facts bearing on the various views expressed, in respect of the mode of remunerating and appointing Ontario provincial officials now paid by fees, etc.

1. Assuming that the following officials are those under consideration: Registrars of deeds, local masters, sheriffs, local and deputy registrars of the High Court of Justice, deputy clerks of the crown, clerks of County Courts, registrars of Surrogate Courts, county attorneys and clerks of the peace, Division Court clerks, Division Court bailiffs, are there any others (local officials) that you would suggest in addition, and if so, for what reasons?

2. Do you approve of the appointment of any, or all, of the above officers being in the hands of the Provincial Government (as at present). A. Yes; all.

4. Do you approve of the system of paying any, or all, the above officers by fees (in whole, or in part as at present)? A. Yes; all.

5. Should any of the above officers be paid out of the general revenue of the province, or by the local municipality for which the appointment is made, or by the particular persons for whom the service is rendered? A. By the person for whom the services is rendered.

6. What rate or amount of remuneration do you approve of with reference to any, or all, of the above officers? A. I believe the present rate is not excessive.

7. If a fixed salary is to be given to any officer, how would you provide and pay for deputy, or clerks, or other necessary assistance, where the person appointed was not able to do all the work of his office? A. The principal should supply and pay his assistant from his salary.

8. If you approve of election by the people of the above officers, or any of them, what method of public inspection, during the term of office, do you suggest for securing uniformity of procedure, and the safety of the public? A. Do not approve of election.

9. If you approve of selection by the municipal council, what method of public inspection do you suggest with a view to securing the objects mentioned in question number 8? A. To select by council would be a very serious mistake.

10. What suggestions or facts, have you to offer, not embraced in the foregoing questions, which may aid in this inquiry?

11. If you add any other officers to those named in the first question, give (as to them) all the information sought in the other questions.

In reply to the within, I am strongly in favor of the present system of appointment. That to appoint by councils would be a very great mistake, and to elect by the people would leave the office under obligations to the persons for or

against whom he is called upon to administer the law, and would deprive him of his independent position which he now has; besides he would be elected by the people, three-fifths of whom have no business to do with the officer and would therefore take no interest in the election which would entail considerable unnecessary expense; besides many persons residing outside the electoral district, but doing business, would have no voice in his election.

I believe the payment by fees is the proper and just course, and that the person who has the work done should pay for it.

Yours truly,

J. F. Cohue, C.D.C.,
Ronson, P.O.

Kincardine, 30th April, 1894.

Jas. Fleming, Esq.

Sir,—From the inception of the agitation as to the most equitable system to be adopted for the payment of county officials; having had considerable experience in municipal matters, as reeve of this township for nine of ten years, I have not hesitated to publicly express my disapproval of any radical change, the present sliding scale being incomparably preferable to any suggestion made, and that is quite susceptible of improvement on the lines of Mr. Ross' bill, and in the direction demanded.

Were I to make any suggestion it would be to have the scale fixed by one, not a member of the Government, who would be more likely to appreciate the value of a dollar.

Yours respectfully,

Jno. Corbett.

P. S.—This should have been answered ten days ago. I met it to-day as I was to start for town, which accounts for the interlining.

J. C.

Read, April 30th, 1894.

James Fleming, Esq., Toronto.

Dear Sir,—I have your list of questions *re* method of remunerating and appointing Ontario provincial officers now paid by fees. I have given the matter some thought and have finally come to the conclusion that the present system of appointment cannot be improved on by any of the methods suggested. I am not at all in favor of appointment by councils as I do not believe it is in the interest of the ratepayers that the time of the present unwieldy and expensive county councils should be taken up in the political or personal wrangles that these appointments, if in their power to make, would lead to. I think also that at present we have quite enough elections, and think that the excitement and expense of elections and the time of farmers taken from their work, would not be compensated for by a better selection of officials.

I approve of payment by fees, as I think that those who have work done should pay for it, but I believe the present system needs revision as the salaries in many cases are higher than it is necessary to pay, and public opinion demands that public officials should be paid in harmony with the stringency of the times

and low prices for farm products and labor. I think, however, that officials should be paid in proportion to the work done, letting each pay for what assistance is necessary and let the official who is willing to do the greater part of the work himself have the benefit of his industry.

I do not see how as efficient a system of inspection can be devised in case of election by the people as that which at present exists. This I consider a great objection to the elective system.

I regret that I have not more time at my disposal, as I fear that this hasty expression of opinion will scarcely make my meaning clear.

Your obedient servant,

J. C. Hanley.

Little Britain, May 25th, 1894.

James Fleming, Esq.,
Secretary of Commission.

Dear Sir,—Yours of the 10th ult. duly received.

As to the questions submitted I am of the opinion that

2. Would be better to remain as at present.

3. To remain as at present.

4. To remain as at present, with this difference: I think the fees of registrars are too high.

5. To remain as at present.

7. To remain as at present.

8. To remain as at present.

9. To remain as at present.

10. I am decidedly of the opinion that it would be a great mistake to place these appointments in the hands of the municipalities.

I remain yours respectfully,

Thomas Broad.

Kilsyth, May 4th, 1894.

Jas. Fleming, Esq.,

Secretary of Commission *re* Fees, etc.

Gentlemen,—*Re* your list of questions as to the remuneration and appointment of provincial and county officials. I say county officials because among those mentioned there are some whose duties belong entirely to the county.

I will give my opinion in general terms. I think all the officials mentioned should be appointed by the Government and be under their supervision. I also think that where it is possible payment should be by fees, and that the fee allowed should be in proportion to the work performed in every case; that in no instance should the position be a sinecure, enabling the holder to be absent for months.

I also hold that these appointments should be for four years and no longer for one continuous term. This would do away with gratuities and superannuations.

It is in the fact that these positions are practically for life that causes the present dissatisfaction. I am also of the opinion that when the county provides the officer with appartments rent should be paid in proportion to the value of the situation, and a tax in all cases to the province sufficient to pay for supervision and inspection. I cannot see the justice of the people through the county treasurer providing an office, heating and furnishing it for some man to make money out of. The days are past when such a premium should be paid for education.

The amount of renumeration should be an equivalent to the salaries received by teachers in high schools, with an additional allowance when the position is one of responsibility and where bonds are required. I take the liberty to send you a report of a special committee of which I was a member when warden of the county of Grey. I do so as an evidence of the unwisdom of giving to county councils the appointment of important officials. You will gather from the report that the "judicial board of audit" was not composed of the same persons in 1891 as in 1892. This county has suffered the loss of many thousands of dollars through the appointment of incompetent auditors and continually changing them. Judges are often careless of county interests and do not take time to examine the accounts properly. We have two judges, which accounts for the differences which took place in the disallowances in 1891 and 1892. I should say, however, both are conscientious, painstaking men, but in the past it has not been so. An inquiry into the accounts that have been passed by boards of judicial audit will reveal a state of things that would prove the importance of having competent men appointed by the Government as inspectors, in order to secure uniformity and safety to the public.

One other matter—under the new criminal code constables get one dollar for arresting a murderer, and under the provincial law one dollar and fifty cents for arresting a drunk. Both laws are wrong in one particular; the remuneration which is sufficient for a town or city constable is not enough in country places, especially in reference to attendance at court under the code.

I have the honor to be,

Yours very respectfully,

JAMES COCHRANE.

KINCARDINE, 24th April, 1894.

JAMES FLEMING, Esq.,

Secretary Fees Commission,

Osgoode Hall, Toronto.

DEAR SIR,—I am in receipt of your circular letter of the 10th, forwarding "List of Questions" prepared by the Commissioners.

It is difficult, in my opinion, to say just how the method of appointing the officers mentioned in question 1 could be improved upon. With reference to sheriffs and registrars, I think they should be appointed by the Government. The objection is, of course, that they are political appointments, but under our political system I cannot say that their selection by the county council, or the people, for that matter, would remove the matter from the sphere of politics, and in the latter cases the fitness of the proposed appointees would be more apt to be lost sight of in a struggle to select a "popular man."

With regard to local masters, local and deputy registrars of the High Court of Justice, deputy clerks of the crown, clerks of County Courts, Registrars of Surrogate Courts and county attorneys and clerks of the peace, as clerical officers of the courts of justice, their appointments might be removed from the domain of political preferment and their selection made from the *profession* by a board of judges composed of, say, the chief justice of Ontario, the chancellor, and the chief justices of the other two divisions. In any event there is no reason why these officers should be *elected.*

Division Court clerks and bailiffs should not be appointed by the Government. Political patronage should not, in my opinion, be carried to excess. These officers, whose duties are purely local and made up of small amounts and who besides have to deal with a large number of people of the poorer classes who are susceptible to influence, are open to the charge under the present system, of using their position to some extent to the advantage of their political friends. It may be true only to a limited extent, but some method should be adopted under which they would feel no obligation for their preferment. I would suggest, in the case of clerks, as they are usually men of some prominence in the local community, they be appointed by the county judge, the sheriff and the warden for the time being, or some such disinterested tribunal. They are already consulted in the formation of new divisions. As to bailiffs, I think their appointment might safely be left in the hands of the county judge.

Regarding remuneration, my idea is that a registrar whose duties are almost wholly of a routine character, but of sufficient importance to require his personal attention, should receive a salary sufficient to make him independent of any other employment. I would, therefore, allow him his fees up to $1,500, the total balance of receipts of his office to be handed to the county. I would leave the system of inspection as it is at present and if necessary make each county contribute a small percentage of the earnings of the office to defray the cost of inspection.

The sheriff should be allowed a larger remuneration and I see no objection to his being allowed the fees of his office. The board of criminal audit have a proper check on these fees. He should employ his own deputy.

The deputy clerk of the crown and other court officers before mentioned, should be allowed an allowance instead of fees, by the province, based on the commutation plan, say every year, and let everything in their office be paid for in stamps. By this means the whole revenue of the office will accrue to the province.

I would except from this the county attorney and clerk of the peace, who are now paid by fees, subject to the audit by the county board and the provincial auditor. Under the statute the county council may now agree to pay a fixed sum in lieu of fees, and this might still be left optional in each county.

Division Court clerks and bailiffs should be allowed their fees up to a certain sum and the balance to be paid over yearly under a sworn statement to the county. I think the county should receive this as they are obliged to provide the jury fund for the various Division Courts and also to pay for the books of these officers where their emoluments do not reach $500.

In addition to these officers, a change should be made in the appointment of the gaoler. The sheriff should have nothing to do with it, nor should the Government. It is purely a county office, the entire salary being paid by the county council, and he should be perfectly free and independent of the sheriff. The county council should appoint him.

With regard to a deputy or assistance to the registrar, should the county council receive the surplus receipts of the office, they should control the expenditure of it for clerk hire, etc.

These ideas are, of course, hurriedly put together, though they embody what I would conceive would be perhaps an improvement on the present system, if any change were contemplated.

Yours truly,

J. H. Scott,

Warden County of Bruce.

Mt. Brydges, April 23rd, 1894.

James Fleming, Esq.,

Secretary of Commission *re* certain Provincial Officials,

Osgoode Hall, Toronto.

Dear Sir,—Your circular of April 10th received and in reply I beg to say: That I believe the present mode of appointing the officials named is the correct one; there is less likelihood of incompetent persons being appointed than in any other way.

I believe the officials named should be paid by fees, and in no other way; the persons requiring their services should pay for them and no one else. There may be, and no doubt are, a few officials who now receive in fees more than they should, but a great majority of them do not receive enough. If all the officials referred to were paid by salary they would receive in the aggregate more than they do now under the fee system. Those receiving too much can be reduced by paying a percentage to the county, or some other way.

If the present mode of appointing officials should be abolished, I believe the next best mode is by election by the people.

I am yours truly,

M. McGugan,

Clerk of Caradoc.

Morriston, April 23, 1894.

James Fleming, Esq.

Dear Sir,—Your circular *re* certain officers, requesting my opinion as to method of appointment and pay, to hand, and beg to reply briefly. I am decidedly in favor of provincial appointment and payment for services rendered by fees. Over a stated amount a proportion of or all the fees to go into the provincial treasury.

I have the honor to be, sir,

Your obedient servant,

W. Nicoll.

CHATHAM, 18th April, 1894.

JAS. FLEMING, Esq.,

Secretary Fees Commission, Toronto.

DEAR SIR,—Allow me as a solicitor to say a few words as to this matter. The greatest iniquity of the fee system is in the Division Courts, although the whole system tends to corruption. It is one of these difficult subjects that has plausible arguments for and against. But I submit, that where one of two systems, and one only renders corruption and hardship possible, then that system ought to be abolished, even if possessed of all possible good features otherwise; that is surely the moral stand to take. Now in actual practice how does it work in the Division Court? A bailiff goes out to the country to serve an ignorant man with a summons, and indeed it is not necessary that the man be ignorant. The man at once asks the bailiff what he had better do, and in many cases tells the bailiff, that it is a just debt and that he better go to the clerk and pay it. "Not so" says the bailiff, "go in and enter a notice of dispute and defend it, and in this way you will at least gain time," and indeed, it is quite open to the official to advise the man (and bailiffs frequently do) that he has a good defence. The bailiff's advice in ninety out of every hundred cases is taken, with the result that the bailiff is an active canvasser for the clerk's and his own benefit. No use saying this is not done. It is done every day in the year. Given the inducement and opportunity, and the rest will surely follow. I can show how the same thing can be worked and is worked in the registry offices and county clerks' offices. A salary would at once stop this, as indeed the inducement would be rather the other way. Again, is there not something wrong with Division Court fees, when I sued a man for $23.50, and the costs are now $21, and all I got so far as the product of the suit is $5.00? And this is the poor man's court too. The fees should be reduced more than one-half. Outside of the county towns, the offices of clerk and bailiff are only side annexes to other business. Don't you know that hundreds of ignorant people in the country think the bailiff is not only a lawyer but a judge to boot. They do anything he suggests, and he generally suggests what will increase his own fees. I am pretty thoroughly posted as to the *modus operandi* of these officials. Again, is it fair that poor suitors should be compelled to pay high fees in small matters, in order that they may contribute not only a fair salary to the official, but that over and above that salary, their hard-earned money should be divided up on a sliding scale, between the official and the public. I think I could give some pointers as to the fee system. If it is not abolished, it sadly wants to be amended. What will the Commission think of $1.40 being charged for recording the within little note. This too, is extracted from the poorest of God's creatures who have no other security to give, but a lien note on their land, already mortgaged to the last extremity. There are tens of thousands of these notes used and recorded throughout the province every year lately. A fee of 25 cents would be quite enough. Short as this letter is considering the subject, I beg you will submit it to the Commission. I am a strong supporter of the good Mowat Government, but in making many reforms in these matters, it will add to its laurels.

I have honor to be,

Your obedient servant,

GEO. G. MARTIN,

Solicitor.

GODERICH, April 12th, 1894.

JAMES FLEMING, Esq.,

Secretary of Fee Commission, Toronto.

SIR,—Reading the report of the first sitting of the Fee Commission, and the opinion of Judge McDougall in regard to a fair salary to deputies, and also your general invitation, that the Commission are desirous of the views of any one interested in the enquiry, prompts me to write you. Permit me therefore to suggest the Commission going a little farther in regard to deputies, and getting the concensus of opinion on a point, which I see is not outlined in the list of queries enumerated in the *Globe*, and will I presume come under question 10, and which I believe is worthy of consideration. It seems to me the agitation on the question of fees, appointments, salaries, etc., of the officials the enquiry is about, has been caused to a large extent by the fact that these appointments are governed by political expediency, are altogether political in their nature, and are looked upon as rewards for party services which are supposed to have been rendered at some time or other to the party in power. This is the feeling which no doubt prompts the Patrons of Industry to advocate the appointment of officials by the people, and which they no doubt honestly think would be an improvement on the present plan. Then another feature in these political appointments, it is said and thought by a great mass of the public that the work is done by the deputy and the chief pockets the fees, which applies with special force to the office of registrar and sheriff.

Take a man for instance outside of the legal profession, of forty years and over who may happen to be appointed sheriff or registrar, must he not as a matter of fact be entirely dependent on his deputy to learn the duties of the office, or if he is too old to learn does not the deputy assume the position of chief for all practical purposes as far as the duties are concerned. Outside of the few who are looking for these appointments, I am satisfied it would be viewed with general satisfaction, if the principle of having deputies appointed to vacancies was recognized by the Government. At present it makes no difference the length of time one may be a deputy, or how competent in every way to fill the position of chief, that goes for nothing. The question is what has he done for the party, and of course the unfortunate deputy has to admit nothing. Why, because he has been in a position which prevented his taking any active part, no matter how willing or able. There was a time perhaps in the history of the country when men made great sacrifices for their party, which entitled them to a reward, but that time has to a great extent gone by, and it is no more than a matter of right, justice and equity, all things being equal as far as qualification, ability and reasonable length of service are concerned, a deserving deputy should be the one to receive the first consideration, or at least some, at the hands of the Government in the case of a vacancy. In every other walk of life at most, a subordinate can at least hope to attain to the higher position by the fact of proving himself efficient and worthy. Why should these considerations have no force in the case of a deputy sheriff or registrar, unless backed by a strong political pull.

Viewing the matter therefore from my standpoint, that if the principle I advocate was recognized, it would also be found that the cry of taking the appointing power out of the hands of the Government (to which I think it very properly belongs) would be considerably weakened.

I have the honor to be, sir,

Yours respectfully,

R. G. REYNOLDS.

April 16th, 1894.

JAMES FLEMING, Esq.,
Secretary Fee Commission,
Osgoode Hall, Toronto.

DEAR SIR,—In view of giving the Commissioners appointed to investigate the fee system and appointment of public officials important information on the subject, it is hoped by the writer of this communication that the Commissioners will pardon the liberty taken of addressing them in this manner, and that the reason for so doing which is here given will be a sufficient reason for particularly directing the Commissioners' attention to the importance of dealing with deputy sheriffs and deputy officials. After reading the evidence given by His Honor Judge McDougall before the Commmission, and being myself one of the deputies referred to by him, who is inadequately paid, I have thought it advisable to enlighten them on a few points.

1st. I think the Commission would have obtained valuable information from deputy officials had they been called upon to give evidence, for it is a well known fact throughout the province that the deputies in almost all the offices do the principal part of the work, and that the responsibility attaching to them is as great as that which rests with the principals, and from enquiries which I have made from numerous deputy officials throughout Ontario I find that with very few exceptions these officials are very inadequately paid for their services, and this fact must have presented itself very forcibly to the mind of His Honor Judge McDougall when giving his evidence before the Commissioners on this point.

2nd. Principals no doubt are anxious to make all they can out of their positions and consequently endeavor to engage deputies at as small a remuneration as they can. In my own case I have been a deputy for many years and have since my engagement done the principal work of the office, and very often when the principal was away assumed control of the office and at a salary of about one quarter of what the principal receives, which I consider a great injustice. It might be said that if the deputies are not satisfied they can look for other engagements, as the principals would probably have no difficulty in filling the positions; but that argument is by no means a just or honest one, for the reason that a first-class deputy in one of the public offices who is thoroughly conversant with the work of same, and has had considerable experience in that work would no doubt experience some difficulty in getting another situation to suit him.

3rd. In justice to the deputies I think where deputies are required they should be appointed by the Government, and a minimum salary fixed in order to receive a fair remuneration for the work done and not be at the mercy of principals who in many cases endeavor to get their deputies for as small an amount as they can.

I think the Commissioners will agree with me and recommend that deputies in all instances should receive at least half of what the principals receive.

I trust, in conclusion, that the Commissioners will pardon the liberty I have taken in writing them, through you, on this subject which to the deputies is a very important one, especially as this is a proper time to have their grievances ventilated and hope the Commissioners will give the foregoing their favorable consideration.

Yours truly,

A DEPUTY SHERIFF.

NEWINGTON, 17th April, 1894.

JAMES FLEMING,
Sec. Commission on Fees, etc.

DEAR SIR,—I learn from the *Globe* that you invite communication from anyone interested in the subject of fees and appointment of county officials. A list of the officials under consideration is given in *Globe*, and I notice that the tavern license inspector is not included. Now, what I have to say is this: that, after having heard parties of all shades of polities express their views on the subject, I find that more objection is raised against the license inspectorship office than against any other in the county. We have here the old electoral districts of Cornwall and Stormont united into one, and an inspector for each, with salaries combined amounting to about $900. There is a uniform consensus of opinion (with the exception of those interested) that there should be but one inspector at a salary of about $300. I know one license commissioner whose opinion tallies with this. I think the great clamor raised against the Government making these appointments arises from the conviction that a Government is not so likely to reduce or keep the salaries low as the people themselves, had they more direct power of dealing with the matter.

Hoping the Commission will go as far as lies within their power to deal with the matter more effectually than seems to have been done yet,

I remain,

Yours very truly,

W. A. MUNRO, M.D.

KINCARDINE, April 24th, '94.

GENTLEMEN,—I beg to submit the following in answer to your circular:

1st. Registrars; our county has had some trouble in that line. I think the appointment to and the inspection of the office would be much better in the hands of Government. I would prefer the people having the appointment rather than the county council.

The above, I think, would also apply to sheriffs.

I believe the present system, paying by fees, to be the best, for this reason, those who get the work done are the parties who ought to pay the officials.

In reference to the other officials, I have not sufficient knowledge of their duties to justify me in giving an opinion either on their salaries or mode of appointment.

I think, however, any man in a position of trust and responsibility ought to have a good salary—a something more than running expenses.

As far as my information and judgment goes, I think the present system of appointment is better in the hands of the Government, as they pay a share of the fees, and, I think, are more responsible than either the county council or the people.

Could not recommend any more officials, as I think we are rather much governed now. I don't think this cry for the appointment of the officials will amount to much; at least a great many I have talked to think so.

I hope these remarks may be of use to you.

I am, gentlemen,

Yours truly,

DAVID HENDERSON.

DRUMBO, Nov. 9th, 1894.

TO THE HON. COMMISSIONERS

Appointed to Enquire and Report on the Mode of Appointing and Remunerating Ontario Provincial Officials, etc.

GENTLEMEN,—I regret that on account of a meeting of our municipal council to-morrow I shall not be able to attend your meeting at Woodstock. However, enclosed you will find my views in reference to the subjects under consideration.

I am, gentlemen,

Your obedient servant,

M. F. AINSLIE,

Clerk and Treasurer,

Township of Blenheim, County of Oxford.

ANSWERS TO QUESTIONS PROPOUNDED.

No. 2. I approve of the present system by which the officers in question are appointed by the Provincial Government. I believe better men are appointed; that there is less friction caused in communities by the present system than by any other.

That the appointees do their work better on account of being under government inspection, and that our system of appointing the said officers is similar or parallel to our judicial appointments, and both are much preferable to the American plan.

No. 4. I am in favor of the "Fee system."

No. 6. I think these officers' remuneration should be fixed by a board of competent commissioners, and be in proportion to the work done and the responsibility incurred.

No. 7. The head officer should bear all responsibility, and hence should have the appointing of the deputy and all other assistants in connection with his office.

No. 10. I am not in favor of any excess of fees passing into the coffers of the municipalities or Government. I think the tariff of fees should be arranged or reduced so that there would be little, if any, excess. That the extra fees for the registration of mortgages, etc., now passing to the municipalities, is a tax upon men who are generally poor, and should be remedied by reducing the price for registering those documents.

M. F. AINSLIE.

COUNTY TREASURER'S OFFICE,

GUELPH, April 19th, 1894.

JAMES FLEMING, Esq.,

Sec. of Commission, Toronto.

SIR,—As requested in your circular of 10th inst., I beg to submit the following:

2. I highly approve of the appointment by the Government of all the officers, as in my opinion it would be dangerous to have them otherwise selected.

4. I approve of the present system of paying officers by fees, particularly so the registrar of deeds, who, I feel satisfied, can work his office at far less cost than if he and his assistants were salaried. The registrar should have the appointment of his deputies and clerks; the remuneration to be left to him.

5. I think the present system of paying officers is quite satisfactory and works well.

8. I entirely disapprove of election by the people of any of the officers, because the independence of the officer in the efficient discharge of his duty would, in my opinion, be seriously impaired.

I am, sir,

Yours truly,

WM. REYNOLDS,

Treasurer County Wellington.

TORONTO, September 25th, 1894.

TO THE HONORABLE CHANCELLOR BOYD,

and Commissioners, etc., etc.

GENTLEMEN,—Being an official appointed by the Ontario Government, I do not imagine that my opinion as to the mode of appointing officials, or as to how they should be paid, would be of much advantage to the Commission; but I should like permission to point out the nature and extent of the risks run by myself and brother sheriffs in discharging our official duties. I do not think this is at all appreciated by those who think we should be paid by such small salaries as bank clerks and other clerks receive in the same localities. The mere amount of clerical work done by a sheriff personally is not anything like a fair test of the amount of income he should have; for a sheriff is at continual risk of losing large sums of money by many causes, such as errors on the part of his clerks, mistakes of his bailiffs when seizing goods, and a wrong interpretation of the law by his officers or by himself. I do not think it a good answer to this position to point out that the actual losses have not on the whole been very heavy.

This good fortune rather goes to show that officials are generally very careful business men, and that those employed by them are efficient.

I notice that some of the gentlemen who testified before you stated that cashiers and ledger keepers in monetary institutions have greater responsibility than officials who made large incomes by fees. The position is not the same at all. Such institutions may hold their officers responsible for their own mistakes, but I never heard that the head men were at any risk of loss of money by the mistakes or the dishonesty of their subordinates, or by misunderstanding matters of law. On the other hand a sheriff is responsible in money for both mistakes and dishonesty of every man in his office, and has, at his own risk, to decide questions which may be so difficult that judges differ as to the proper interpretation. A brother sheriff was put to the expense of a law-suit, which with damages assessed cost him nearly half a year's income, by the mistake in judgment of his bailiff; while the proper thing to have done was so doubtful that the sheriff won his case in two courts, but lost it on his opponent's appeal to a higher court; showing that even judges differed as to what the right course was. A like case may happen to any sheriff.

I have personally been very fortunate since my appointment, but have had some losses. Not long ago I sent a bailiff to arrest a debtor on a judge's order before judgment; and the debtor, after being arrested, managed to get away from the bailiff; a demand was at once made on me for the amount of the debt. After looking into the matter I saw that there was nothing for me to do but to give a cheque. If no escape had been made my fees would have been $4.45; my loss was over $100. If I had taken bonds from the debtor before he made his escape, and the sureties had, as sureties sometimes do, proved worthless, and the debtor were not forthcoming, I would have been equally responsible.

Orders for arrest are often for thousands instead of hundreds; this is a very dangerous part of my work, and the fee for which the risk has to be run is very small.

I am often threatened with suits, though so far I have managed to keep clear of loss in this way; but it needs the greatest care on the part of my officers and myself. The interpleader law is no protection, except where there are opposing claims.

In the case of prisoners there is great responsibility. Shortly after my appointment three men escaped from jail, and it cost me nearly $800.00 to retake them. Though I could not reasonably be held responsible, I thought it better to spend some money rather than let them go.

In the matter of giving certificates, as to executions in the office, the risk is very great; a careless or hasty clerk might ruin a sheriff in a day. There is in my office at all times executions against over two thousand persons; and there is a considerable change in this list each day. With such a list as that anyone can see how careful an officer must be before it is certified that there is no execution against the name as to which a certificate is asked. If he overlooks an execution, and on the strength of the certificate a sale of the debtor's land is made, the sheriff has to foot the bill.

I give my personal attention to the supervision of my office, though most of the work must be done by the officers employed, as is the case in large mercantile, banking or other financial concerns. I find it necessary to have first-class men, and have to pay high salaries. I attribute my good fortune as to losses to the fact that I took over the whole staff of trained and efficient clerks who were in the employment of my predecessor. The deputy, chief clerk, and one or two others had been in the office for many years.

As to the large income of my office, which some economists think absurdly large, I may mention that my predecessor, the late Sheriff Jarvis, for some years before his death enjoyed a net income of nearly $10,000. without objection from any quarter; and with the exception of court attendance and other work connected therewith (which is divided between Sheriff Widdifield and me) I do more work and have a heavier responsibility than Sheriff Jarvis had. In 1886 his net income was $9,670.78.

One thing which seems popularly overlooked is that the Toronto sheriff does not get a larger fee for any piece of business than other sheriffs do; indeed he gets less for some things. Thus I get fifty cents only for serving a subpœna in criminal matters, and all other sheriffs get $1.00. I get eight cents per mile for service of jurors, and all other sheriffs get thirteen cents; and there are other items for which I get less than others. Another thing, which seems overlooked, is that each fee is in itself moderate; and it is only because there is so much business in Toronto that the total amount received by the Toronto office is large.

In the boom years I was in receipt of a large income, judged from the standpoint of a man in private life, not advertised by the papers as a man enormously wealthy; but where one is so advertised he finds that even a large income does not enable him to save much.

If my income is compared with the incomes of the heads of banks and of the monetary institutions in Toronto it never has been large. I have been informed that the manager of the Bank of Commerce receives $20,000.00; of the Bank of Toronto, $17,500.00; of the Dominion Bank, $13,000.00; of the Confederation Life, $12,000.00; of the Standard Bank, $12,000.00; of the Dominion Bank, $11,600.00; of the Ontario Bank, $10,000.00; of the Canada Permanent Loan Company, $10,000.00; of the Western Canada Loan Company, $9,000.00; the managers of the Imperial Bank, of the Great North West Telegraph Company, of the Consumers Gas Company, of the Toronto General Trusts Company, of the Western Assurance Company, $8,000.00 each. These gentlemen get larger salaries than my net income comes to. Their offices require special qualifications; but, on the other hand, their salaries are not affected by a bad year's business, nor have they any of the risks which I have mentioned. So, bank and loan companies' presidents get large fixed incomes for a small part of their time, most of their time being devoted to other business.

Then from the nature of my business I must give credit to solicitors. I have outstanding now a large sum of money, a portion of which is for disbursements which I have paid out; and a percentage of these accounts I shall never be able to collect, though the lawyers that I have to do with are generally good pay.

Considering the large amount of work done in my office, and the great amount of pecuniary risk that I am at, I do not think the total sum that I have received is more than reasonable.

I take some risks which go to increase my net income, and which I need not take, and would not be required to take, if on a salary. For instance, I often make a seizure of goods and find that others claim them, and I have to interplead. In that case the sheriff must keep possession of the goods. Very often to avoid the expense of keeping a man in possession, sheriffs run the risk of taking the written promise of the person in possession to produce the goods when wanted. But where the plaintiff turns out afterwards to be worthless and the goods are proved to be the claimant's, which is often the case, sheriffs lose the interpleader costs and all other expenses.

It is to the interest of sheriffs to make disbursements as small as possible and for this purpose we venture to take some risks which we might avoid; but if we were not personally to benefit we would not take such risks, nor would we be expected to do so; and suitors would necessarily have more to pay.

In the matter of serving papers there would, I think, be a falling off in the income of the office, if sheriffs were paid by salary, no matter how anxious he himself might be to do as much of this kind of business as possible. This work is necessarily done by a bailiff, and in my case I have generally found my bailiffs anxious to make a service as quickly as possible; and I think this has been to a great extent because it was a benefit to me personally; but if they knew it was no gain to me I think they would be more apt to consult their personal comfort.

My men often serve papers up to midnight, and sometimes before 6 a.m. I expect them to do this, if necessary. I think that the reason I get so much of this business from the profession is just that my men are so prompt and active about it, because they know that it is to my personal interest that they should be.

Again, in the matter of poundage, if the profession should know that I made nothing out of what they pay on this head and that what they pay went to the public they would be more importunate than they are for reduction, and it would be much harder for me or my deputy to obtain payment from them.

In saying this I refer to money received without sale, the amount of which is in most years larger than the amount received by sale. Now solicitors know that if I did not get a fair sum in lieu of poundage I would be doing the work of this branch at a loss, and I have found them in consequence to be very reasonable.

A sheriff's business would be a much less interesting one if he was not personally benefited by a good year or good month or prejudiced by bad ones, but on the other hand, he would have less anxiety and if the salary was based on the amount of work done and with some regard to the cost of living, etc., he might, on the whole be a happier man, but I do not think that litigants would be better served or that the provincial treasury would be benefited.

I enclose a statement of various particulars compiled from the Inspector's report of 1893. From this statement it will be seen that the amount of executions which I was directed to levy in that year was more than a million and a half of dollars. That is about the usual average. The same statement gives some idea of the amount of work of a risky character done in my office and shows that I do nearly one-fourth of this work of the whole province, while I get only about one-tenth of the pay, and in future this one-tenth will be greatly reduced as a result of the recent legislation.

I do not wish to create the impression that any other sheriffs are paid too much for the work they do, for the fact is the reverse. Indeed, many of them have miserable incomes, as the Inspector's report proves, but most of the income in the small offices is derived from work in connection with courts, juries, etc., where the element of risk does not come in, though there is responsibility in another sense.

I should respectfully submit that the fact that the sheriff is by law the chief executive officer of his county should not be lost sight of when the fitting amount of his income is under consideration.

I have the honor to be your obedient servant,

FRED. MOWAT,
Sheriff of Toronto.

Work done by the sheriff of Toronto which is paid for by litigants (being the part of the work where the element of risk comes in) compared with like work done by all other sheriffs in the year 1893.

Total service of papers for the province.	6,009	
Of which Toronto office served.....	....	1,035
Or over $\frac{1}{6}$ of whole.		
Number of executions filed	7,531	
Of which Toronto office received	....	1,799
Or nearly $\frac{1}{4}$ of whole.		
Amount endorsed on writs to all sheriffs	$6,424,201 43	
" " sheriff of Toronto.		$1,508.670 01
Or nearly $\frac{1}{4}$ of whole.		

Amount made on writs all sheriffs	148,286 06	
" " sheriff of Toronto.		66,296 40
Or nearly ½ of whole.		
Gross earnings of all sheriffs.....	133,519 27	
" " sheriff of Toronto....	.....	16,769 75
Net earnings of all sheriffs	72,988 55	
" " sheriff of Toronto	.....	7,584 16

PARTIAL SUMMARY OF DUTIES TO BE PERFORMED BY THE CLERK OF THE PEACE FOR THE COUNTY OF YORK.

Engaged with the General Sessions of the Peace every quarter. This duty takes about three weeks each quarter.

Making up estreats, etc., and quarterly accounts, and *fi. fas.* to sheriff, occupies on an average a month.

Making up the schedule of returns of convictions of all justices in the county quarterly. 76 R. S. O., 1887, sec. 5, in triplicate, (a long schedule).

Making return quarterly to James Fleming, esq., inspector of legal offices, of all cases tried at General Sessions and county judge's Criminal Court.

Drawing precepts quarterly for grand and petit jury at Sessions.

Drafting grand and petit jurors quarterly for Sessions.

The like service for High Court, criminal.

Petit jury for High Court, civil.

Issuing process for General Sessions for witnesses.

Adjourned General Sessions annually (and otherwise when ordered). This generally takes place in the first quarter of the year at which the county justices meet to appoint constables, etc. The work attendant on this service occupies three weeks, issuing circulars, notifying constables, making up pamphlet of justices, constables' lists, and posting same to justices, coroners, sheriffs and members of the county council.

Issuing to justices *et al.* copies of the Ontario Statutes annually.

The like service, Dominion criminal law.

Transmitting quarterly copies of schedule of convictions to Minister of Finance, Ottawa; Treasurer, Ontario; Inspector of Offices and Bureau of Statistics, Ottawa.

Taking the oaths, filing the same, etc., of justices who qualify.

Receiving and filing notices of appeal from convictions of justices of the peace.

Issuing process to enforce order.

County judge's Criminal Court, every Wednesday (often on Friday as well). R. S. O., 1887, cap. 52.

Preparing jurors' books in duplicate.

Receiving reports of selectors and giving certificates to selectors.

Entering names on jurors' books, 1st, 2nd, 3rd and 4th divisions. Certificates thereon.

Attending the selectors of jurors (county) (16 days). This service occurs during the last quarter of the year and every hour is occupied doing it. The work is laborious and is not completed before the middle of January.

The clerk of the peace also makes a yearly return to the Minister of Agriculture and Statistics of all cases tried in the county, very long, and is to be done in October.

The clerk of the peace has to see that orders altering Division Courts be published. R. S. O., cap. 84, sec. 8, page 846.

Quarterly audit of accounts. Receiving same and preparing for audit This service takes a good deal of time, not only the preliminary and subsequent proceedings, but attending auditors for three or more days.

Voters' lists; custodian of same and duties connected therewith. R. S. O., chap. 8. Also chap. 9, sec. 78, *et seq.* R. S. O.

Heir and devisee commission, chap. 27, secs. 17 and 18. Duties to be performed by the clerk of the peace.

Building societies; all declarations, by-laws and changes of name filed in this office. Chap. 169, sec. 91, R. S. O.

Benevolent societies; chap. 172, sec. 2, sub-sec. 9w., R. S. O. Also naturalization papers.

Affiliation affidavits filed here. R. S. O., chap. 138, sec. 3.

Division Courts; R. S. O., chap. 51, sec. 36. Clerks and bailiffs required to file their bonds in this office.

R. S. O., cap. 239, sec. 5. Sheriff's bonds required to be filed in this office; in fact, all bonds of court officials that I am aware of as well as covenants of sureties, registrar's bonds, etc., affidavits of qualification, etc., are filed and preserved of record in this office, which constitutes this a registry office with its responsibilities.

I might refer to many other duties, but the foregoing will give the Commissioners some idea of the multifarious nature of the business of this office. I may further state that either myself or my deputy has to sit as clerk of the court for a period of about four months in each year, whilst at the same time, and at all times during the year, my office has to be kept open for the general business required to be done.

As to the receipts and disbursements of this office, I would beg to refer the Commission to the report of the inspector of legal offices for 1893. I can also furnish the Commission with a Manual of Tariff relating to the fees of this office if the Commission has not already been furnished with one.

If any special report is to be made relating to my office (as it is exceptional) I would beg to submit, as clerk of the peace, pure and simple, I have lost my

practice as solicitor, and my means of living have been depreciated to that extent. If I can give any further explanation or information I will be happy to wait upon your Commission.

All of which is respectfully submitted.

T. H. Bull,
Clerk of the Peace, York.

I am in favor of maintaining the present system of provincial appointment in regard of registrars of deeds, local masters, sheriffs, local and deputy registrars of the High Court of Justice, deputy clerks of the crown, clerks of County Courts, registrars of Surrogate Courts, county attorneys, and clerks of the peace, Division Court clerks, and Division Court bailiffs, and would, in the public interest, gladly see provincial control extended in the direction of municipal treasurers, assessors and public officials.

The officials above named, at present appointed by the provincial administration are not county or municipal but provincial functionaries.

The Provincial Government is, beyond all question, the only true source of such appointment, comprising as it does, gentlemen selected from among the ablest and most experienced in the province and well acquainted with all parts of the province. Ministers have, besides, a thorough knowledge of the duties and responsibilities of provincial officials, have, also, the very best means of becoming acquainted with the capacity and qualification of every candidate for office, and are untrammelled by purely local considerations and influences, while responsible for all appointments they make to the entire province through the Legislature elected directly by the people. The system of governmental appointment is in accord with British practice and experience, ensuring efficiency and satisfactory service by sufficiently guaranteeing permanency. Under this system more than any other, can be had a rigid, thorough, and equitable inspection, supervision and audit. I approve of the fee system for under it the particular person to whom service is rendered pays for it, but if the fees be funded the official's salary should be paid out of the provincial treasury, to which the funded fees should be returnable.

The remuneration of officials should in all cases be justly liberal and commensurate with the dignity and importance of the office, as well as with the volume of business done and the responsibility assumed. No office, for instance, is more responsible than that of a registrar of deeds, for he is in a measure the guardian of the homes and properties of the people. He deals every day with what is the foundation of national prosperity—the soil. The present method of determining the incomes of registrars is objectionable. The revenues of the larger offices are subject to percentages payable to the municipalities, and not only is the official harrassed by the uncertainty and fluctuating character of his income, but subject to injustice in public estimation by the fact that the published returns of his official receipts do not, with sufficient clearness, distinguish between his gross and net income. In fixing the net income of an official due consideration should be given vested rights. It is plainly unjust to determine a certain salary and declare that if the present functionary will not hold the place at that figure another may be found glad to accept it. Take the case of a man who leaves a profession or business with a certain income to accept an office

the emoluments of which are considered at the time of appointment, to have such or such a value. He drops his business or professional connection. After some years of official life, he finds himself unfit to return to his former pursuits. Is he fairly dealt with if then made the victim of a passing popular caprice calling for an indescriminate reduction of income? Most certainly not. If payment by fixed salary or maximum net income be determined on, I would suggest that the limit be, say $3,000 for officials whose offices are in cities and towns, and $2,000 for officials whose offices are situated in villages, the remainder of the official revenue, after payment of necessary expenses, to go to the public treasury to form a fund for the maintenance and furnishing of the different registry offices. In the event of fixed salaries for local provincial functionaries being determined on, the assistants in every office should be appointed by the official himself and paid out of the gross revenue of the office. Any other method of appointment would divide the responsibility of the official and endanger his efficiency by lessening his control over the workings of the office.

I am altogether opposed to the selection of these officials by popular election. A mere partisan nomination secured by more or less questionable methods might then be equivalent to an election. If be said that the Government of the day now appoints men of one party only to these offices, it can be replied that the Government has a wide range of choice in the party that supports it, and is more likely to make a fitting selection than a party caucus or convention.

I am not less opposed to selection by municipal councils than by popular election. The latter is, in fact, the better of the two methods. Give the municipal councils power to select such officials and you open the door to the log-rolling, office seeking rings and combinations from which our American neighbors, in so many parts of the republic, suffer, and of which the better class of citizens there so frequently and so bitterly complain. Election by direct vote of the people or by the municipal council means tenure of office for a term of years more or less brief. Herein lies a strong temptation to turn the office into an election machine, to use its opportunities at the cost of its efficiency, in making oneself solid for a second, third, or fourth term. Experience in the United States shows that, in numerous instances, malfeasance in office has been the result of such electioneering methods. In this province, the appointees of the Provincial Government contrast very favorably everywhere, with appointees of municipal councils. I would like to see provincial control extended to municipal treasurerships at least as far as inspection is concerned. The municipal councils, have now, in many instances, as is well known, too little control over their treasurers. A provincial inspector, free from all local influences, would make himself felt for good in annual visits to these officials, inspecting their books and studying their methods of dealing with public funds.

The whole province is concerned in the matter of municipal assessment. Our financial standing at home and abroad is based, to a large extent, on the assessors' figures. The Legislature of the province is annually called on for amendments to the assessment law. It is well known that many assessment returns are at present incorrect because of the inefficiency, or worse, of local assessors. How can legislation for the whole province on assessment matters be satisfactorily devised under circumstances such as these.

Recent unfortunate events show the necessity of a provincial system of police in such a light that public opinion irrespective of party demands it. At present whole counties are practically without police protection and offer inviting fields to the criminal. I could, if necessary, mention numerous cases of crime

that have in our rural districts been passed over without the detection or punishment of the criminals. A false view of economy deters county councils, in almost every instance, from the appointment of an efficient police. The citizens of Montreal are, at present, protesting against the appointment and control of their police by the city council. The greater the control exercised and enjoyed by the provincial administration over the properties, the lives and liberties of our people in every municipality, the more secure and happy will be our citizens, and the more progressive and prosperous our great and promising Province of Ontario.

P. J. Coffey,
Registrar County of Carleton.

MEMORANDUM BY THE EXECUTIVE COMMITTEE OF THE ASSOCIATION OF REGISTRARS FOR THE PROVINCE OF ONTARIO.

1. At a meeting held in Toronto on the 12th of October, 1894, for the purpose of forming an Association of Registrars for the Province of Ontario, a resolution was adopted instructing the secretary of the association to obtain from as many registrars as possible answers to the questions in the circular issued by the secretary of the Fees Commission, with the view of basing thereupon a statement to be presented to the Commission bearing upon the questions under consideration. Replies were in due course received from many Registrars and the general effect of these is stated in this memorandum.

The Office of Registrar—Its Duties and Responsibilities.

2. Before presenting a synopsis of the replies the undersigned desire to impress upon the commission and the public the fact, often lost sight of in these days, that the work of keeping the records of the landed property of the Province of Ontario is one of the utmost importance, demanding the greatest care, the closest attention and the highest possible degree of accuracy, and involving very heavy responsibilities. It must not be forgotten that this work is not for to-day, nor to-morrow, nor next year, but for the next fifty or a hundred years—in fact, for all time—involving as it does the titles, sometimes simple and sometimes very intricate, of millions' worth of real estate—in a word, the title to every home in the land. The new registrations in each office amount in each year to a large number, in some cases to four or five thousand, rendering the work of to-day in some of its aspects much more responsible and difficult than the work of twenty years ago, and rendering the work of ten years hence more responsible than that of to-day. It is of the highest importance, therefore, that the records of titles should be kept in a clear and accurate manner, and with sufficient detail to render an ordinary title plain to the ordinary understanding; that the system of recording and filing should most carefully provide against the alteration, loss or destruction of valuable original papers, rendered invaluable by years; that the plans of sub-divisions of town and village properties should be accurate and permanent, and that plans of new sub-divisions should be prepared, when deemed necessary by the registrar, in order to insure a clear and correct record. If all these considerations had been acted upon by the public—by property owners and municipalities—in the earlier periods of the settlement of this country, untold troubles and very great expenses in legal services, the loss of much valuable time, much uncertainty as to boundaries and not a few costly lawsuits would have been saved in connection with many involved and intricate titles. We do not refer merely to mistakes made by careless and incompetent conveyancers, but to plain neglect of statutory provisions by property owners and municipalities in order to avoid incurring the comparatively trifling expense of preparing proper plans and making other necessary provisions for keeping the records straight and clear. By this mistaken course a shilling has been saved for the time being, but an expenditure of many pounds has been rendered necessary in subsequent proceedings as the years rolled by

3. The safe preservation of title deeds is a work of great responsibility, even if considered with reference to a single parcel of land. Many persons will not trust these in their own keeping, but prefer to leave them in the custody of their responsible solicitors. Safe deposit companies have been organized in some of

our large cities for the purpose of preserving records, securities and valuable papers of all descriptions. The public are glad to pay comparatively large sums annually for the privilege of having these papers kept safe from loss, alteration and destruction, and at the same time easily accessible. But a registrar, in addition to his other heavy responsibilities in connection with the recording of instruments and the making and issuing of abstracts based thereon, is responsible for the safe preservation of substantially all the title deeds for every parcel of land in the county or other registration division, from the issuing of the patent down to the present time. In some offices more than a hundred thousand deeds and documents of title are thus deposited and methodically catalogued and preserved. The office of keeper of records has always been considered, and is, in fact, amongst the most responsible in the public service. Few landholders would care to have these placed in the keeping of careless, incompetent or dishonest persons, and there are few who would consider it to their interest to leave them in the hands of an ill-paid official. Business corporations consider it in their own interest to pay high salaries to secure good men for responsible positions.

4. In view of the enormous interests at stake it is surely not necessary to argue that it is unwise policy to diminish the importance and responsibility of the work of accurately keeping the land records; that the efficiency of the system can only be impaired by introducing the worst features of American methods; or that uncertainty of tenure of office naturally tends to promote dishonesty as well as inefficiency, according to the painful experience of our neighbors across the line.

5. Under the system that prevails in most of the States, one of the most important branches of registry office work is wholly neglected. No abstract index books of the daily registrations are kept by which one can ascertain in a few minutes the registrations that have been made on each individual lot or parcel. The instruments registered are merely copied in the register books, and, there being no abstract index for each lot, it becomes a wearisome, uncertain and often almost impossible task to ascertain exactly how the title to a lot may stand. The searcher has to examine all the instruments copied in the register books containing the names of the successive owners in order to ascertain by which of them the parcel whose title he is searching is affected. Consequently it has been found necessary in New York and other large cities to organize companies to keep the abstract index records, and in the smaller cities and counties this work is done by private parties, frequently by ex-registrars or those who have been employees in record offices. The abstract indexes, which under our system are part of the most carefully kept official records, and to which the public have access for a nominal fee, are there the property of private individuals who make it a matter of regular business to maintain a record of the daily registrations in the registry office. These are the only parties from whom ordinarily abstracts can be obtained, and the fees charged are consequently four or five times higher than what is paid for similar service in this country. While the Ontario registrar is personally liable for the accuracy of his abstract and is under heavy bonds to guarantee the correctness of his work, the American purchaser, according to the practice which almost universally prevails, has no official guarantee of the accuracy of the abstract he has obtained. An abstract, that in Ontario costs two or three dollars, on the other side costs from ten to fifteen dollars and sometimes much more, with the important difference noted of having no official guarantee. These private abstract records on the other side in course of time become very valuable property and large sums have been paid for them. It may be mentioned that within

the past six months the sum of $50,000 is alleged to have been offered by a firm of lawyers for private abstract records and privileges in the city of Detroit for a limited term of years. As to the relative cost of registration and abstract service in the United States and Canada it will be unnecessary to enlarge as the commission will no doubt have acquired ample information on this point during the course of its investigations. We believe, however, that title guarantee companies in the United States pay their managers salaries in some instances three or four times as large as the largest income earned by an Ontario registrar during the year 1894, although the whole work performed by such companies is only a part of the ordinary work of registrars.

6. The payment of so large fees for unofficial abstracts in the United States shows the importance with which these are regarded by the dealers in landed property. In Ontario the registrar has this additional very heavy responsibility imposed upon him, involving the necessity of great accuracy and technical skill in construing descriptions of parts of lots, and his absolute guarantee of the correctness of the abstract in every particular. Instead of being compensated for this enormous additional labor and responsibility he receives a much smaller income than does his American brother for less important services.

7. Though the difficulties of registry office work are greatly increased by imperfect, incomplete and sometimes incorrect plans, it is when properties adjoining those laid down on registered plans are sub-divided and sold off that the seed is sown for a new and more vigorous crop of troubles. There are many blocks of land in the various cities, towns and villages in the province containing from fifty to one or two hundred separate lots of which no plans, or only partial plans, have been filed. It is extremely difficult to keep a clear record of the titles to these lots as described even by experienced professional men. When the inexperienced conveyancer or an obliging neighbor tries his 'prentice hand confusion becomes worse confounded. It is a matter of ordinary occurrence that these titles have to be studied out and made straight and clear by the registrar in some way. A few illustrations of these happy-go-lucky descriptions may not be out of place. Fictitious names are given and certain technical details are omitted.

8. One deed, drawn forty years ago, conveys a half acre lot "bounded and commencing twenty-four feet west of John Smith's house."

9. In another deed registered last year the boundary commences "west of railway station, thence south about twenty-three rods to where a large boulder appears above the surface of the ground."

10 In another, thirty years ago, which conveyed "sufficient to make one quarter acre" the description commenced "where a post has been set down on the edge of a mill dam in the middle of said lot (being a 100-acre farm lot) then nearly a south-east course on the same range as Thomas Jones' frame house" and so on—but the house was burned down fifteen years ago.

11. An old deed which affects the titles of many lots in a flourishing western town describes the property as "beginning at a basswood tree standing in the division line" between two township lots, thence south to a birch stump, thence east to a stake standing near (named) creek, thence again to another stake.

12. From the same registry office comes another description which commences at a stake, goes to the south bank of a creek, then to "a pine stump at the northwest corner of the house in which John Brown now lives," then "to the millpond," then "along the middle of the millpond and the northwest branch thereof," and so on to the place of beginning.

13. A western registrar furnishes these illustrations of which the essential points are given: Five and a half acres of land commencing "on the east line of a certain road leading from the Baptist chapel in the village of ——, and at a stake or corner of a certain board fence southwardly from John Brown's brick house, thence south to the south line of the land now owned by the said John Brown," and so on.

14. Another is: "Four acres, being a small field on the west side of lot No. 12 in the 4th concession, and on the south of lands now owned by said Mr. Blank, and is bounded by a rail fence that now stands erected around said field."

15. In another description from the same registry office, the property, 35 or 36 acres, is bounded "by the fence now standing enclosing said lands reserving three acres more or less lying east of a line running south from the western line of the land owned by Andrew Jones on said lot."

16. A specimen from an eastern office, registered in 1893 gives this lucid description: "Being composed of the south east end quarter lot (from Nine Miles road) being six acres in width by eight acres and one-sixth of an acre in length of lot number (blank) in the first concession, and moreover, twelve acres, middle south east in length by four acres and one-sixth of an acre in width, being the middle south part of lot number (blank) in the first concession of said township of North (blank) adjoining the east side of Nine Miles road, and both parcels containing fifty acres more or less to make up by admeasurement one hundred acres to be the same more or less".

17. It is needless to repeat. Every registry office in the province could furnish similar specimens by the score.

18. One more illustration. A western registrar received last month a requisition for an abstract of the following property, the name of owner or supposed owner not being given to assist in the identification of the parcel of land: "Please send us an abstract of title to the east half of the north half of the south 10 acres of the north half of the north half of the south half of lot 15 formerly in the 11 concession of the township of Blank, but now in the town of Blanktown". This was an extremely difficult and complicated title. The fees for the abstract, a very long one, amounted to $3.25. In Michigan a similar abstract would have cost $36.00 with far less responsibility than is imposed in this province.

19. A requisition for an abstract as to part of a lot involves an examination of all the instruments registered on the whole lot to ascertain if the descriptions are such as to enable him to select those which relate only to the part in question. The liability to error is in all cases very great. But there are many cases in which a prolonged examination only results in showing the impossibility of making such a selection, owing to the occurrence of descriptions, (such as some of those in the foregoing illustrations), which are either unintelligible, or require an actual examination of the ground or the taking of evidence to ascertain what the lands are. Such cases frequently involve correspondence for the purpose of explaining the difficulty. All this takes up much of the registrar's time, for which he receives no compensation whatever.

20. In Ontario, moreover, an error in an abstract may inflict upon the registrar a loss of hundreds or sometimes thousands of dollars; and here again as titles become longer and more involved responsibility grows greater every year. The responsibility and the liability to error and heavy loss may begin with the beginning of the records, 50 or 100 years ago. And yet some persons consider the duties of a registrar unimportant and his office a sinecure!

21. the general manager of a bank, whose salary ranges from $10,000 to $20,000 per annum, may lose hundreds of thousands of dollars of the bank's money in course of a year through bad debts or unwise investments. Practically the only risk he runs is that of losing his office on the ground of errors of judgment, but to hold him pecuniarily responsible would as a rule be out of the question. On the other hand, in copying instruments, and preparing the abstract and other indexes, and in issuing abstracts based upon them, and on those made by his predecessors, the registrar's responsibility is absolute, cumulative and never-ending. The amendment of 1893 relieves him only partially from liability for mistakes arising from acts or omissions of his predecessors. An error on his part or on that of his clerks, perhaps merely in a single letter, as the *N.* half for the *S.* half of a lot, might involve the loss of a farm, which loss the registrar would be compelled to make good out of his own pocket. This shows the necessity for the greatest care and absolute accuracy in copying and in the preparation of indexes and abstracts.

22. It will be seen from these illustrations and explanations that registry office work is no child's play, and that registrars incur a very serious special responsibility in giving abstracts and certificates respecting complicated titles and lands not clearly described. They are liable to incur heavy loss if by any error or oversight—pardonable under these circumstances—an omission should occur in an abstract or certificate. We venture to say that seldom is an abstract given by a registrar in any of these complicated cases, without anxiety, more or less profound, lest there should be an important omission—and the error may have occurred a quarter or half a century ago. In some extreme cases involving complicated descriptions of land, registrars after prolonged examination of the books find it impossible to give certified abstracts, and in such cases receive no compensation for their labor.

23. In thus referring to some of the difficulties and the grave responsibilities of registrars, our purpose has not been to unduly magnify the importance or work of registry offices, but simply to remind the commission that the general public have necessarily a very inadequate conception of these matters and that much of the criticism thereon, in the press and elsewhere, has arisen from a misapprehension of the facts.

24. Nor do we desire to depreciate in the least any of the other official positions that come within the purview of the commission's investigations when we affirm that not one of these positions requires more constant, watchful care, more absolute accuracy, a more varied technical knowledge of the work to be done, or involves graver consequences to the public and to the officials themselves than does the position of registrar.

25. Some writers in the public press have suggested that even in the larger registry offices one man could do all the work required. To a person accustomed to visit these offices, no refutation of so absurd a suggestion is required. The office must be open to the public every day without intermission, except on public holidays; officials must have their meals like other people; sometimes they are laid off through illness for a longer or a shorter time; frequently they are subpœnaed to attend with records at the sittings of courts at their own or at other county towns, and in the latter cases may be kept waiting for days before they are called. In such cases it is self-evident that there must be a deputy in the office, a permanent officer familiar with all the minute details of the work, so that the public may be served, the office kept open, instruments recorded and delivered out, certificates issued, abstracts certified, and the regular work and indispensable routine of the office carefully kept up. But, independently of these

reasons, those who are in the habit of visiting the offices know, that during office hours the duty of waiting on searchers, explaining the indexes, attending to correspondence, etc., frequently, and, during the busy season, generally, takes up the whole time of the officer, and except in the very largest offices, which can afford a numerous staff, it is often only after office hours that he can proceed with the work of entering up instruments in the abstract and other indexes. The work of the abstract indexes must be done by the registrar or his deputy or other permanent official, on account of the great responsibility, and the liability to error on the part of any person not specially informed and trained. Frequently this means, in a busy season, many hours of labor, prolonged far into the night. Copying and comparing must, as a rule, be done by other clerks, whose numbers must vary according to the exigencies of the work. The keeping of the accounts alone is a work of much responsibility, occupies considerable time, and calls for special qualifications, if inextricable confusion is to be ovoided. The outcry as to the little work done in the public offices is almost invariably on the part of those who have little or no acquaintance with either the work done or the responsibility involved.

26. In the large offices, on account of the multiplicity of details, the necessarily increased number of employees (for every one of whom the registrar is directly responsible), and the great liability to error on the part of even the most careful deputy or clerk, it cannot be expected nor is it in the public interest that the chief officer should employ himself in merely clerical work. The general management of the office would be injuriously affected and the public interest would suffer by his doing clerical work which might better be done by employees under his direction and supervision. As well might the head of a large mercantile business be expected to deal with his customers directly without the intervention of clerks, make all the entries in his books of account, write all letters, and do all the work of buying, selling, making out accounts and copying. In a small establishment this work may be done by one man. In a large establishment the work could not be successfully carried on upon such a system; customers would complain and the business would fall off. The manager is expected to exercise careful and efficient supervision over the staff, and would be censurable for attempting to transact petty details of the work. The enormous pecuniary responsibility resting upon a registrar for the employees in his office, necessitates and guarantees constant, careful and efficient supervision; and this is all that it is in the public interest to demand in the large offices.

Appointment or Election of Officials.

27. Coming now to a consideration of the questions that the commission has presented to us, the registrars are unanimously favorable to the British and Canadian method of appointment by the Executive, rather than the American plan of electing public officials. We believe the former to be more in harmony with the spirit of the British and Canadian constitutions and with the genius of our people. In this belief we submit that we are supported by the great bulk of opinion offered to the commission during the course of its investigations, as far as we have been able to gather it from the newspaper reports. In expressing this view we refer not only to registrars but to all public officials in the outside service of the Province and of the Dominion, including sheriffs, County Court clerks, masters in chancery, crown attorneys, police magistrates, postmasters, custom house officers, inland revenue officers and others now appointed by the Provincial and Dominion Governments respectively. For we recognize that the inevitable result of applying the elective system to the selection of provincial officials would

be an early application of the same principle to officials now appointed by the Dominion Government. Nor is it likely that it would stop short of the judges themselves. This would be simply a revolution in the administration of our public affairs, and, as we maintain, the adoption of a far less desirable system than now exists. It seems passing strange that that feature of the American system of government which many of the best Americans most freely condemn, namely, the election of officials by popular vote, should now be urged as an improvement upon the existing system in Canada.

28 It is difficult to understand upon what principle the change in the mode of appointment should apply only to the officials named. In the agitation of this question these officers have been specially mentioned; but there can be little doubt that the real issue is one of principle between the British system of appointment by the Crown through its responsible advisers, and the American system of election by direct vote of the people. Under the British system, the principle of appointment applies to all public officials of every grade, whether Dominion, Provincial or Municipal; to the Governor-General and Lieutenant-Governors; the Premiers and other members of the Dominion and Provincial cabinets; and to the entire civil service, whether at Ottawa and Toronto, or throughout the country. It applies to all judges, government auditors and inspectors, university professors, teachers in the high and public schools; postmasters, collectors of customs or of inland revenue, coroners, police magistrates, municipal clerks, treasurers, solicitors, engineers, assessors, collectors, auditors, health officers, police officers and many others. It has been said in the newspapers that at the late elections in the United States, the electors of San Francisco had to choose amongst over 300 candidates named in their ballot, in order to fill all the offices which became vacant at one time. This is the *reductio ad absurdum* of the United States system; but something similar will be the logical outcome of the agitation in favor of elective officials in this province, if it is successful.

29. If the officials named in the circular are to be elected, why not the others? If the keeper of the records of land titles or of the proceedings of the courts, why not the keeper of municipal records—by-laws, contracts, minutes of council meetings—or the keepers of the Provincial or Dominion records? If local masters, why not the highest judges in the land? If sheriffs in charge of the gaols, why not officers in charge of asylums, reformatories and penitentiaries? If county crown attorneys, why not county and city solicitors? If Division Court bailiffs, why not collectors of taxes and their bailiffs, collectors of customs and inland revenue, postmasters and inspectors of weights and measures? It is impossible logically to draw the line, although ingenious attempts have been made to do so. Either the present British and Canadian system is to remain, or a system borrowed from individual states of the neighboring republic, *although never adopted by the federal government of the United States, whose officials have always been appointed by the Executive*, is to be substituted for it with all its evil consequences. It is true that many of the officials not mentioned in the circular are under the jurisdiction of the Dominion and not of the Province. But the deliberate adoption by the most important and influential of the provinces of a change so revolutionary in its character must necessarily be far-reaching in its effects; and before deciding upon it we should carefully consider the result to the nation at large, and not decide hastily and repent when it is too late.

30. The appointive system is freer than the elective from partisanship, from corrupt methods of securing appointments, and from merely local influences. True it may be said that the government of the day appoints its own friends to those positions, but it should be remembered that in so doing their range of

choice is wide. They have the entire party from which to make their selection. They have the best means of knowing the claims and qualifications of the several aspirants, and they can usually judge of these, uninfluenced by merely narrow and local considerations. It is in the government's interest to appoint the best man for those positions of importance, for they are responsible for the character of their officers. Greater permanency to the public service, and hence greater independence and freedom from favoritism in the discharge of duty, also result from the appointing system. No local boss can run the officers or the offices. The former are responsible to a higher and more competent authority than merely local influence or merely local sentiment.

31. The appointment of the officers in question should remain as at present in the hands of the provincial government, on grounds not only of national sentiment, but of public policy and business expediency. Our system has come to us from the old land, where the experience of centuries has proved its value. It is the system which has prevailed in Canada ever since the conquest, and to which our people have become accustomed. In the gradual evolution of the British system of administration, the diminution of the power of the crown has been accompanied by a continuous increase in the responsibility of its advisers. The government maintaining its existence for some years as a rule, and having a record of good administration to make, has generally shown a due sense of its responsibility in making appointments of permanent officers. Unless it can be shown that the public interest will be promoted by a change, it is clearly not wise to disturb the system which has worked in the past, and is now working, in so generally satisfactory a manner. The present mode of appointment is calculated to secure a class of officials better qualified for their duties than any system of popular election. The electors at large can hardly be expected to exercise the same discrimination in choosing between the qualifications of numerous candidates. If it were proposed to elect, for example, not merely the directors, but all the chief officials of a railway company by a direct vote of all the shareholders—president, managing director or general superintendent, secretary, treasurer, auditors, engineers, inspectors and solicitors—would the public confidence in the management be increased or diminished? The adoption of such a system by any railway company would undoubtedly be followed by a lowering of public confidence in the efficiency of its management, and in the safety of travel, and by an immediate depreciation of its stock, as the natural result. And yet the shareholders of a great corporation are surely not less capable of selecting proper officials than are the electors of a judicial or registration district. If the system of popular election necessarily leads to a better set of officers, and better and more efficient work on their part, surely business people who devote so much of their time to the consideration of business methods, would have found it out long since, and adopted it in their commercial enterprises. And yet there is probably no business corporation in the world whose officers are elected in this way. On the contrary, the system prevailing with incorporated companies is also the British method of appointment to the civil service, the general body of shareholders or electors choosing a limited and comparatively small number of their members, on whose character and *general* ability they rely, entrusting to them the selection of competent employees, with the special qualifications required in each case, who shall carry out the details of the general policy of the administration, and be subject to its control, each member of the administration being held responsible to its constituents for the conduct of its subordinates. In this way experience has proved that there can be more efficient inspection, the employee is less subject to improper influence, there is unity both of control and responsibility, and permanence of tenure is at once the reward and

guarantee of faithful service. In choosing its servants, the government is not, like the electors in the United States, limited in time, but has ample opportunity to make a wise choice, to hear all that can be said for and against all candidates, and decide in the general interest free from personal or local bias. The popularity of a candidate is not necessarily a guarantee either of his ability, his character or his special knowledge or training. At the same time, the interest as well as the duty of the executive prevents the appointment of officials who would be obnoxious to those amongst whom their duties are to be performed, although this may have to be done in the administration of justice in a lawless district. All experience shows the wisdom of continuing the British system. It is not claimed that the elected officials in the United States are more competent or trustworthy, or more attentive to their duties, than the officials of this province. The opposite is believed to be the fact. An officer who is elected by direct vote of the people is logically responsible only to his electors, and is apt and entitled to resent interference by any other official, for the latter cannot possibly hold a higher mandate. Conflicts of authority between a state governor and the attorney-general or state treasurer, and sometimes even the elected judges, are not infrequent across the lines, to the great detriment of the public interest. Where investigation by other elective officers is authorized by the law, there is naturally remissness in keeping officials to the close line of duty. "What is everybody's business is nobody's business," and an incompetent or untrustworthy official may neglect his duties, or be guilty of misconduct in his office for a long period, until some great scandal arises. The public excitement may result in a public investigation, but the effect is often spasmodic and merely temporary Indeed if the principle of direct popular control is a correct one, the investigation and the decision should rest with the people *en masse;* and some system of punishment by popular vote or ostracism is the logical and necessary accompaniment of popular election.

32. It is important to note that defalcations and malfeasance by public officers in the United States are of much more frequent occurrence than in Ontario, and among the elected officials than amongst those who are appointed by the general federal or state government. In Ontario complaints against government officials are exceedingly rare. This alone ought to be taken as a proof of the satisfactory working of our system. When complaints are made, they are promptly investigated, and where action is to be taken thereupon it is speedy and effectual. Notwithstanding our system of government by party, it is rarely, if ever, even charged that the services of an official proved guilty of misconduct or inefficiency are retained upon political grounds. Instances are well known in which such officers were removed from the service, although, previous to their appointment, they were strong and influential supporters of the government which removed them. Defalcations are so rare as to be almost unknown. The reason lies partly, no doubt, in the system of regular and efficient inspection, but chiefly in the character and competence of the officials selected by the government. Security is always taken, and losses are rare. Now, it is not contended that the system of popular election necessarily leads to the appointment of incompetent or unworthy men, but the tendency is to make personal popularity or party fealty the chief reason for electing, and we frequently find that men may be popular and at the same time unworthy or incompetent, or both In short, our opinion is based upon the conviction that the tendency of the system of appointment is to lay more stress upon character and special qualification for the particular office, whilst the elective system tends to lay the stress upon mere popularity. In matters affecting such great interests as the administration of justice and the preservation of the titles to land, the

election of a single careless or corrupt official is calculated to lead to so much mischief, confusion and pecuniary loss to individuals and to the public, that this province cannot afford to take the chances of such a revolution.

33. We believe, therefore, that the practical operation of the two systems has proved beyond controversy the superiority of the British and Canadian systems. A half dozen trained business men who have been selected as bank directors are immeasurably better qualified to judge of the fitness of, and to select a bank manager, than is the whole body of stockholders, many of whom have no knowledge of business or banking methods whatever. And in like manner a similar number of trained and experienced public men, a majority of whom are usually of wide business and professional experience, and of high standing, who have been selected by the crown and the legislature of the province to form the provincial cabinet, are certainly better able than the people at large to select the officials who shall fill the chief offices of the province, and administer efficiently provincial laws. This is not only a sound theory, but it has proved to be a sound principle in practice. Registrars, and many of the other officials referred to, are *provincial* and not *county* officials. They ought therefore, to receive their appointment from provincial authority, and to be under provincial jurisdiction and inspection, as at present.

34. We are opposed, then, to the appointment by county councils of registrars, and other officials whose duty is to administer *provincial* laws, and whose work is and should be under *provincial* supervision. Appointments by county councils would aggravate and intensify merely local influence and partisanship in the form of what is known as "log-rolling" in municipal affairs, and we are persuaded that the character of the officials would not be thereby improved, nor would the discharge of their duties be more efficient.

35. The advocates of popular election of officials, or of appointment by county councils, sometimes claim that it would absolutely do away with partisanship in regard to them. How it would tend to do away with partisanship it is difficult to imagine. There can be little doubt that the tendency would be the very opposite. Party feeling throughout the country would make the public offices, as in the United States, mere cogs in the local party machine. Nominations would come through the party caucus. Right decisions upon large questions of public policy would be embarrassed and complicated by the pecuniary considerations and personal issues involved in so many elections for official positions. The door would be open to the systematic purchase of these offices by the aspirants or their friends. Some of these elections in the United States we know to have cost large sums of money. Even the legitimate outlays are enormous. The expense of running the party electoral machine on both sides would be paid, as in the United States, by the candidates for office, who would expect to recoup themselves out of the emoluments of their offices. The candidates and those who expect to be candidates, being the influential men of both parties, would be in a position to exercise a controlling influence upon the legislature. The local electoral machines on both sides would agree on one point. They would have a direct pecuniary interest, infinitely greater than any they can have under the present system, in continually increasing the number of officers and their remuneration. Public sentiment, which is in Canada a powerful check upon the responsible administration, is practically powerless against the American local party machine. This has been the experience of the United States in a large measure. Bryce, in his famous book on the American Commonwealth, shows how the irresponsible machine has been strengthened, and party feeling in the States intensified, by having so many local offices at its direct

disposal. How the party machine interferes with the independence of public officials is well illustrated by recent events in Fayette county in the state of Ohio. We quote telegrams published in the Buffalo *Express*, a Republican paper.

FAYETTE COUNTY'S SHAME.

Sheriff Cook, who bravely defended the Gaol, testifies as to the Lawlessness of the Oldest and Best Citizens.

"CINCINNATI, O, Nov. 11.—*The Commercial Gazette's* special from Washington Court House says: 'Sheriff James T. Cook testified before the coroner's jury yesterday as to his knowledge of the riot at the court house on October 17th, when several persons were killed and a score wounded by the militia in an attempt to lynch William Jasper Dolby, negro, under sentence of twenty years' imprisonment for assaulting a woman.

"'Some of the oldest and best citizens in the country,' says the sheriff 'came to me after the information had got out that the man had been captured, and asked me what sort of resistance I would offer if a party would come to take the man from the jail. I told them I would protect the man to the utmost and at all hazards.'

"Sheriff Cook further notified these citizens that if any attempt was made to get the man away someone would be hurt. The sheriff instructed Col. Coit of the Militia to protect the prisoner, but did not instruct him how he should do it. Col. Croit will be the next witness to testify.

"The official plurality by which Sheriff Cook (Republican) was defeated on Tuesday is 1,727. This is a Republican county, and gave large pluralities to the other Republican candidates at the same election."

"OHIO'S SPECTACLE.

"*Fayette County would Lynch Sheriff Cook and Col. Coit if her Best Citizens could get hold of Them.*

"COLUMBUS, O., Nov. 14.—Great events are brewing at Washington Court House. Col. Coit declines, by advice of his attorneys, to go to Fayette county to be examined as a witness by the coroner concerning the part the 14th Regiment, Ohio National Guard, took in obedience to orders of Gov. McKinley to aid Sheriff Cook in protecting Dolby, a negro who confessed to rape, and who had been sentenced to twenty years in the penitentiary.

"Col. Coit's attorneys, George K. Nash and Henry J. Booth, assure the Governor that Coit's life would be placed in jeopardy by going. The coroner declined to come to Columbus to take Coit's deposition, insisting that he shall go there. Leading law-abiding citizens of Washington Court House are said to have assured the Governor privately that if Coit were to go there he and Sheriff Cook, no doubt, would be thrown in jail, charged with murder, after which the coroner would become sheriff *ex officio*, and that men whose friends were killed would ride the country and gather a mob, and both Coit and Cook, especially Coit, would be dragged from the jail and lynched.

"The question which is confronting the Governor is: Shall a sheriff, elected and sworn to execute laws, and a colonel ordered to his assistance, be sacrificed for doing their official duty?"

Later reports state that the coroner, an uncle of one of the would-be lynchers who was killed, found the sheriff and colonel guilty of murder, for which they were accordingly to be tried at the proper court. From the above illustration

one can readily understand the causes of the difference in security of life and property in Canada and the United States respectively. In the case of lynchings, for example, there must always be a certain amount of local sentiment for the time being, in favor of the people who take the law in their own hands. The officers concerned with the administration of justice cannot be expected to perform their duties to the country at large whilst they are held directly and primarily responsible to this local public sentiment. Nothing could show more clearly the necessity of strong control by the general executive over the administration of justice in each locality than the case cited. We have a sheriff defeated at the polls by the large majority of 1,727 in a county which gave large pluralities to the other candidates of the same party; and for the sole reason that he was faithful to the duties of his office. The new sheriff will doubtless take warning by the fate of his predecessor, and not be so resolute in defending the lives of persons placed in his custody for safe keeping. There have been more than 200 lynchings per annum for the last three years in the neighboring republic, whilst we believe that there is no record in the whole history of Canada of a prisoner being put to death except by due process of law, and by the public executioner. The elective system places a direct premium on lawlessness wherever it is supported by men of sufficient local political influence. It makes every public officer more or less the slave of the elective machine during his whole official life, and directly tends to intensify partisanship and generally to weaken and corrupt the whole public service. It is directly opposed to that unity of control and responsibility which is the characteristic of the British and Canadian system of public administration as distinguished from that of the individual neighboring States.

36. Whatever objections can be offered to the practical working of the system of appointment, upon the ground that the officers are usually chosen from the party supporting the administration, these objections apply with still greater force to the system of popular election. Moreover there is the additional and very important difference that the inevitable tendency of the elective system is to compel the officer to maintain his active connection with the local party management, if he is either to retain his office or to have a chance of re-election; whilst it is only rarely that an appointed official keeps up even in name such a connection, the well recognized tendency of the British system being to withdraw all public officers from active politics. The maintenance of the efficiency of the public service by permanence of tenure and of official remuneration has been the settled policy of all political parties without distinction in the mother land and in Canada, and the continuance of the policy has doubtless had much to do with the result mentioned. The effect of the opposite system upon the public service cannot be better summarized than in the words of an American recorder of deeds, as given to one of the Ontario registrars:

"While I am here at work in my office some other member of our party is "trying to secure the nomination at the next convention, and the other party is "trying to pull us all out. So we officials try to make as much money with as "little labor as possible while we are in. There is none of that commendable "pride in a public work which is to last forever, that officials in offices like ours "should take."

Payment by Fees or Salary.

37. As to the payment of public officials by fees, there is considerable difference of opinion. The principle, of course, is that the officer should receive whether in fees or in salary compensation proportioned to his work and responsibility. The amount of fees is always strictly fixed by law. So little room is there for the exercise of official discretion as to the amount, that disputes about

fees are almost unknown. This it is believed will be found to be the experience of nearly all the public offices. It is, therefore, almost a matter of impossibility for an official paid by fees to increase or diminish his income by unlawful demands. So long as the net income is not excessive, payment by fees is not only the proper system, but is on principle the only proper system, because the officer is paid strictly in proportion to the amount of work done and responsibility involved. There are cases in which the earnings amount to a few hundred dollars in the course of a year. There are others in which the fees have in some years amounted to many thousands of dollars. In the first case, the work is done by the officer himself, occupying only a small portion of his time and without any assistance, clerical or otherwise. In the other case, the work has required a large staff of assistants, including deputies and clerks, for every one of whom the officer is directly responsible, so that both the work done and the responsibility are in direct proportion to the gross fees received. On principle, therefore, the officer ought to be entitled to a larger income in the larger office, even if it amounts to a considerable sum, just as the general manager of a bank might be fairly paid a salary of two thousand dollars a year, or twenty thousand, according to the magnitude of the business. Popular sentiment, however, being opposed to large official incomes, statutes have been passed from time providing for the payment of surplus fees to the municipality. This has now been done to such an extent that in some instances, especially under the Fees Act of last session, the income of the officials involved will in many cases be less than they are fairly entitled to. Where the gross fees of a registry office, for example, are $4,500, $500 must be paid over to the county under the Act of 1872. On the gross receipts above that sum, fifty per cent. additional must be paid. Out of the residue all the expenses of the office must be paid. Under the Fees Acts of 1892 and 1894, further payments have to be made where the net incomes, after such deductions, exceed $1,500. In the case of a registrar earning a net income of $3,000, this payment would amount, under the Act of 1894 (in force since 1 Jan., 1895), to $300, reducing it thus to $2,700. Now, if one takes a fairly good office with gross receipts, say $5,000 and net income (under the new Act) of $2,700 (which, by the way, is only possible in one or two offices and under exceptional circumstances in the present condition of business), the effect upon any additional fees received may be easily calculated.

The average expenses of management, as shown by the Inspector's Report for the year 1893, amounted to 35 per cent. of the gross earnings, varying according to the varying circumstances of the respective offices. For every additional dollar of gross earnings the outlay will be as follows:

	$ c.
For expenses as above	35
For surplus payable on gross earnings, 50 per cent. (under Act of 1872)	50
For surplus payable on net earnings, 50 per cent. (under Act of 1894)	07½
Total disbursement	92½
Net addition to registrar's income	07½
Gross earnings	$1 00

Thus, out of every dollar of additional gross earnings the registrar will under the Act of 1894, get only 7½ cents, or say $75 out of every $1,000. In some cases by reason of exceptional circumstances and temporarily this may be slightly exceeded. On the other hand there will be cases in which the additional

work may involve so much additional expense that there will remain practically nothing for the registrar; and others in which a large addition to the gross earnings (for abstracts, for example) may mean an actual loss on net income.

In the case cited, the gross earnings would need to increase to $9,000 before the registrar would reach $3,000 as his net income. Suppose that in a "boom" year the gross fees should be doubled, which would mean an increase of $5,000 in gross fees. The effect would be an increase of $375 only to his net income of $2,700 as a result of $5,000 of additional gross revenue to the office. In other words, his net income of $2,700 on gross receipts of $5,000 would be increased to a net income of $3,075 on gross receipts of $10,000, involving twice the amount of work, responsibility and risk. This increase is altogether inadequate considering the increased labor, number of employees and responsibility. Probably every official would prefer that the gross receipts should not go above $5,000 under such circumstances. It is probable that the public interest would be better served by stimulating and rewarding the officer with a larger proportion of the additional earnings.

38. When it is considered that it was only under very exceptional circumstances, fairly entitling the officer to the larger compensation, that a registrar could, prior to the Act of 1894, receive as much as $3,000 net out of $5,000 of gross earnings, it is pretty safe to say that under this Act a net income of $3,000 will rarely if ever be reached by any registrar. The general tendency of the gross earnings is downward rather than upward, whilst the work and responsibility are constantly increasing, through the increasing length and complexity of titles.

39. On the other hand, if payment by fixed salary is substituted without regard to future increase or decrease in the business done, the tendency might be to regard the compensation as being merely intended for the statutory time involved, as in the case of other officers. This would necessitate a larger staff in each office and much larger expense.

Moreover, the peculiar responsibility of the registrar varying in direct proportion to the amount of business done, it would be unfair with a fixed salary to continue this responsibility, which should be assumed either by the province or the county. The present Chief Justice Meredith recognized the justice of this view in the resolution moved by him in the Legislature in 1890, providing for the appointment of registrars by county councils and their payment by salary. His proposed amendment to the Registry Act made the county responsible for the due performance by the registrar of all the duties of his office, and required his clerks and assistants as well as himself to give security to the county for the performance of their duty, thus recognizing a division amongst all the employees of the responsibility now centered upon the registrar. Evidently each was to be held responsible for that part of the duties of the office which he ought to perform.

Public officials in the United States frequently receive much larger fees for the same services than similar officials in this province. Abstract indexes, for example, are not in use in the United States. Fees for making up abstracts are paid for in cases which have come under our notice at the rate of fifty cents per item, which is many times what is charged for similar services in this province. Indeed the fees for abstracts in this province are so low and the responsibility for them is so great that many registrars would rather surrender the fees therefor and be relieved altogether from the necessity of making up abstracts.

It has been proposed in fixing salaries to graduate them according to the work and responsibility of the several offices. This would require fresh adjustments at frequent intervals as the income of the office varied, and would mean

increased work and expense in the departments at Toronto, for which there would be no compensating advantage to the public. The present system of payment of surplus fees furnishes a self-adjusting sliding scale of remuneration, certainly cannot lead to exorbitant incomes, but rather to the reverse, and does not call for additional departmental expenditures. If salaries are substituted for the present system of compensation, it would be only reasonable that they should be based upon the average net income. In most offices, however, the tendency of the gross incomes from the fees is to diminish. In some the decrease has amounted to from 15 to 25 per cent. within a few years. The tendency is therefore toward reduction of the net incomes of the officials under the present condition of affairs without any legislation. Moreover the amendment of last session permitting mortgages to be registered at a reduced rate in certain cases will injuriously affect the revenue of every registry office to the extent probably of hundreds of dollars per annum on the average. Other recent amendments have reduced the fees for searches and abstracts. It ought to be mentioned also that the net incomes of all public officials of the province are still further reduced by the fact that they are taxed upon their incomes by the municipalities whilst private individuals either escape the income tax altogether, or pay it on incomes which are merely nominal compared with their real revenue.

40. The present system of paying registrars and other provincial officials is based upon the principle that remuneration is in proportion to the work done, and that the person who gets the service must pay for it. Payment by salary would probably result in distributing the burden of payment alike upon those who did not use the registry offices and those who did. As is well known, thousands of properties and thousands of persons throughout the province contribute nothing, it may be for years, to the registry offices, simply because they have had no occasion to require their services. Were the present system replaced by a system of salaries, these properties and these persons would almost necessarily be obliged to contribute a portion thereof. In illustration of this the registrar of an eastern county furnishes a statement as follows: Population of the county last census, 39,277; business done in the registry office for the year 1894 was for 1,383 persons. The business was done with 574 persons. This shows that for the past year the business was done for less than four per cent., and with about 1½ per cent. of the population, and furnishes a strong argument that those with and for whom the work is done should pay for the same.

41. There has been much misrepresentation about the incomes of registrars, and there is little doubt that whatever objections now exist to the present system of appointment and payment are due to that circumstance. In many cases the gross income of the registry office has been paraded as the registrar's net income. In other cases the rebate paid to the counties has not been deducted. This has occurred not alone in the press and on the platform, but even in the debates in the Provincial Legislature. Hence the public has been led to believe that the incomes of officials, especially of registrars, are vastly larger than they really are. The fact also that the Toronto office yielded abnormally large receipts during a few years of inflation, or exceptional city growth and real estate activity, has given occasion for attack upon all the offices of the province, though the receipts of a great majority of them have steadily decreased during recent years. This is abundantly proved by a reference to the official figures that have been published by the Legislature. The average net income last year was under $1,800, which is certainly not more than ought to be paid to any registrar for discharging duties so responsible. It is not too much to say that many of the officials had, prior to their appointment, proved their ability to earn larger incomes than they

now receive, and that only permanency of appointment and income, or some kind. ed consideration, could have prompted them to exchange their former avocations for official responsibilities.

Position of Present Official Incumbents.

42. This leads us to say that we do not apprehend that, should a change in the method of appointing officials be resolved upon, such change would affect the present official incumbents. Mr. Meredith's resolution above referred to (Journals of Leg. Assembly, 1890, page 157) provided for the retention of office by the then registrars, even in cases where future appointments were to be made by the county council. Any other course would be contrary to British precedent and natural justice. Nor does the proposal to reduce largely the incomes of the present officials involve much less of an injustice to them. It necessarily involves a breach of faith upon the part of the crown. They accepted their several positions and entered upon their duties with the full belief and understanding, by virtue of their commissions from the crown, and the practice of all communities governed by British laws and practice, that these positions and emoluments would be permanent. They have given up their several avocations in life as farmers, business men, professional men, journalists and artisans, in the full assurance that the offices to which they were appointed had a certain value and that the positions were permanent during good behavior. As is well known, official life unfits a man in a few years for return to other duties. He has dropped the reins, has severed the connections, associations and influences acquired during a life time, and cannot possibly start where he left off. He must begin life anew. He may also, in the meantime, have assumed responsibilities based upon what he believed to be his assured income, that it will now be quite impossible for him to discharge. As well might the Legislature now decree that the salaries of the judges of the land have been too high, and that though many of these officials gave up larger incomes at the bar to accept a permanency to which was attached, as they believed, a fixed and permanent income, they must now either give up a half, or part of their incomes or return to their former occupations, with chances of success greatly diminished through the severance of business connections established by long years of arduous labor. Whatever may be the policy as to future appointees, existing officials should be dealt with in accordance with a due consideration for the circumstances under which they accepted their positions and cut themselves off from previous avocations.

43. This is the more necessary because of the enhanced cost of living in recent years. It needs no argument to prove this to the satisfaction of the commission and all who know the facts from personal experience. All classes of the community unite in admitting that it costs more to live now than it did ten or twenty years ago, and officials suffer in consequence of this even more than others. They are usually assumed to have higher incomes than they really have. They are expected to live in a manner befitting their positions and they are consequently obliged, not infrequently, to indulge in expenditures that they can ill afford, and that other members of the community are not called upon to incur.

44. As to payment by salary or as at present the registrars holding smaller offices, as a rule, favor payment by salary, with an allowance out of receipts for payment of office staff and expenses. Some of the registrars holding the larger offices are not opposed to salary payment; others prefer the present system. To some a fixed salary, if on a proper and satisfactory basis, would have an attraction in that it would not be subject

to variations, though others consider it would in the end prove more expensive and not as generally satisfactory as the present system, taking into account the different conditions that prevail in different sections and the changing circumstances of the country from year to year. If paid by salary, some suggest that the fees should be funded and go to the province, which should pay the salaries. Many suggestions as to matters of detail are made but are not offered here. The opinion is unanimous that payment should be made by fee for service rendered by the person to whom the service is rendered. Any other system would be unjust, as any intelligent person will see in a moment by looking at an abstract of title book in any registry office. One page will show a farm with only two or three entries since the issuing of the patent by the Crown fifty or sixty years ago; the next page may have forty entries by a dozen different parties during that period. The owner of the first mentioned property should not be made to contribute to the expenses incurred in connection with the second piece. It would be just as fair to urge the payment of conveyancing fees from a general fund as to demand payment for registry office work in any other way than by fees as at present, by the party to whom service is rendered.

45. By the present system each registry office pays for itself according to the extent of the business in its registry district. It is doubtful if a change to payment by salaries and funding the fees—either to the province or the county—would not occasion more difficulties and give rise to stronger objections than the present system. It would be difficult to fix a salary that would suit the varying circumstances and conditions of the different registry offices. A sliding scale would have to be adopted, and subjected probably to a new adjustment every few years. No doubt a fixed salary if based on suitable recognition of the importance and responsibility of registrars' work, would have its attractions, and it is of course only on such a basis that any of the registrars favor payment by salary. It would probably be advantageous to some of the smaller offices; and would meet some superficial criticisms directed against the apparently large gross revenues of some city offices. An intelligent and impartial survey of the whole field shows that a most perplexing series of problems will arise on proposing a radical change from the present system by which each office or registry division pays for itself or is dealt with on the basis of its own business.

46. The weight of opinion is strongly in favor of maintaining the present method of payment of registrars; and in any event, or under whatever plan, the registrar, being responsible for the proper discharge of the duties of his office, should have, as at present, full control of the office staff. It is difficult to see how the appointment of these can properly be made except by the chief officer, who has knowledge from day to day of the requirements of the office. Complete control of the staff by the officer is especially called for by reason of his personal financial responsibility for their conduct. If these appointments are taken out of his hands, then it would be only fair that he should be relieved from all responsibility, except that of supervision of the general management of the office.

W. H. COLE,
Pres. Registrars' Ass'n of Ontario.

JAMES H. COYNE,
Secretary.

February 1st, 1895.

COLLINGWOOD, Canada, May 31st, 1894.

To the Commissioners re Fees and Appointments:

REPLIES TO PRINTED QUESTIONS.

1. The list of officials given appears to include all that is necessary.

2. I approve of the appointment of these officers being in the hands of the Provincial Government, as at present. I have had some slight experience with similarly elected officials in the States, and it has not been satisfactory. Being elected for only a short term, they appeared to me to be either using their official position in order to secure re-election, or, where that was not possible, trying to make out of the office as much as possible while they had it. This was particularly the case with county attorneys and sheriffs, and I have known of some very glaring cases of an utter failure of justice, solely from the cupidity or favoritism of these elected officials. As to Division Court clerks and bailiffs, the efficiency of the present system is very far superior to that in vogue under the old plan of appointments by the judges. Part of this superiority is undoubtedly owing to the more careful supervision now exercised by the inspector, but in the old days it was almost impossible to have a dishonest or incapable official removed. "Blackmailing" was rife, and the retention of suitors' moneys was a very common occurrence.

3. I think that the selection of any of these officers by municipal councils would be a grave mistake. These bodies are more frequently swayed by other considerations than the capability of the appointee. They have no particular knowledge of the work to be done, and most of them would think that one man could do it as well as another. Political considerations and family connections, regardless of efficiency, would largely prevail, and the result would be a serious deterioration in the quality of the service.

4. The system of payment by fees seems to me to be the only proper one in the general interests of the public at large. In the interest of some, the officers themselves, a salary would be more satisfactory to them in cases where the fees are small, and the officer cannot eke out his income by doing other work, but where those who use the offices pay the fees, the others, who do not pay them, (and who are very largely in the majority) cannot complain.

In some cases, however, the fees are undoubtedly too large, thereby entailing hardship and unnecessary expense on suitors and making the administration of the law more costly than is requisite. It is not necessary to particularize, but it may be laid down as a general rule, that where the officer does the work himself there may be no cause for complaint, but where the work is entirely or mainly done by the deputy and clerks, and the officer gets a respectable living without doing any of the work, then there is something radically wrong, and the fees should be reduced.

In view of the above it does not seem necessary to give detailed replies to the other queries.

I am, gentlemen, yours obediently,

HY. ROBERTSON.

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